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THE  
CONSTITUTION, STATUTES, AND CODE  
OF THE  
Grand Lodge of Free and Accepted Masons  
OF THE  
STATE OF NEW YORK,  
With Explanatory Notes, Supplemented by the Approved  
Decisions of the Grand Lodge,  
*THE WHOLE FORMING A SUBSTANTIAL CODE*  
OF  
JURISPRUDENCE.

27.4  
under code  
(M. 11)  
BY JOHN W. SIMONS, P. G. M.  
11

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## P R E F A C E.

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THE object of the following pages is to place before the brethren in the most concise form, not only the Constitution, Statutes, and Code of the Grand Lodge, but also such explanation of the spirit of the various articles and sections, supplemented by the decisions of the Grand Lodge, as will make their application plain to all who desire to understand the organic and statutory law of this jurisdiction.

To this end we have endeavored to present the subject matter in a different shape from any heretofore undertaken; our plan being to give first the actual text of the Constitution and Statutes, and where a section appears to need comment to give that, supplemented by the authorized decisions of the Grand Lodge on the subject to which the section relates. By this method the inspector has at once, and in a small compass, all the law upon any given subject that can be furnished in this jurisdiction, and any Master basing his decision or brother his opinion on a disputed point, in accordance with the text hereinafter furnished, will know that he is supported by the actual state of the law as it now exists.

We have given the decisions quoted as they finally passed the Grand Lodge, not deeming it necessary to cumber the work with other reference to the transition from the first proposition as reported by the Grand Master to the final action of the Grand Lodge than the pages of the printed transactions, indicating, first, the original report, and, secondly, the amendment, if any, by adoption of the report of the Committee, thus enabling those who desire to verify our work to do so for themselves.

It will, we think, be admitted that there is no part of Masonic knowledge which the brethren have taken less pains to acquire than an acquaintance with the laws which govern our association, and this, it occurs to us, is mainly due to the fact, that the subject has never before been presented to them in such compact and sequent form as to enable them to exhaust at a single reading all the authorized law upon any given point. It is no less true that the printed annual transaction of the Grand Lodge do not reach the hands of the brethren generally, and hence they do not know what has been done, and are in consequence unable to decide for themselves when a question involving some principle of constitutional law is presented. A careful examination of this work will remove this difficulty, and give to every one who studies it the basis on which to proceed in acquiring a thorough knowledge of Masonic jurisprudence, a

desideratum, the value of which no Mason of experience will be inclined to dispute.

While it were to be wished that Masonic trials should never be known, still, in view of the fact, that even Masons will sometimes err, it is desirable that the Code relating to this unpleasant department of our affairs, should be as perfect as possible; to this end we have carefully collated all the amendments adopted since 1873, and present the copy in these pages as exactly correct, and to be safely followed in all matters of trial and appeal.

The various forms annexed to the work, including the standard By-Laws, will be found useful in their way; and thus the brethren have at their disposition the means of knowing their duties, responsibilities, and rights, and of being prepared to discharge the former and maintain the latter.

Fraternally,

JOHN W. SIMONS,

*Past Grand Master.*



# THE CHARGES OF A FREE MASON,

EXTRACTED FROM

The ancient ~~Records~~ of LODGES beyond Sea, and of  
those in England, Scotland and Ireland, for  
the Use of the Lodges in London,

TO BE READ

At the making of NEW BRETHREN, or when the  
MASTER shall order it.

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## Charge I.

*Concerning GOD and RELIGION.*

A *Mason* is obliged by his Tenure, to obey the moral Law ; and if he rightly understands the Art, he will never be a stupid *Atheist*, nor an irreligious *Libertine*. But though in ancient Times Masons were charged in every Country to be of the Religion of that Country or Nation, whatever it was, yet 'tis now thought more expedient only to oblige them to that Religion in which all men agree, leaving their particular opinions to themselves ; that is, to be *good Men and true*, or Men of Honour and Honesty, by whatever Denominations or Persuasions they may be distinguished ; whereby Masonry becomes the *centre of Union*, and the means of con-

ciliating true Friendship among Persons that must have remained at a perpetual distance.

### Charge II.

Of the CIVIL MAGISTRATE *Supreme and subordinate.*

A *Mason* is a peaceable Subject to the Civil Powers, wherever he resides or works, and is never to be concerned in Plots and Conspiracies against the Peace and Welfare of the Nation, nor to behave himself undutifully to inferior Magistrates; for as Masonry hath been always injured by War, Bloodshed, and Confusion, so ancient Kings and Princes have been much disposed to encourage the Craftsmen, because of their Peaceableness and *Loyalty*, whereby they practically answered the cavils of their Adversaries, and promoted the Honour of the Fraternity, who ever flourished in Times of Peace. So that if a Brother should be a Rebel against the state, he is not to be countenanced in his Rebellion, however he may be pitied as an unhappy Man; and if convicted of no other crime, though the loyal Brotherhood must and ought to disown his Rebellion, and give no Umbrage or Ground of political Jealousy to the Government for the time being; they cannot expel him from the *Lodge*, and his Relation to it remains indefeasable.

### Charge III.

Of LODGES.

A *LODGE* is a Place where *Masons* assemble and work: Hence that Assembly, or duly organized Society of *Masons*, is called a *LODGE*, and every Brother ought to

belong to one, and to be subject to its *By-Laws* and the GENERAL REGULATIONS. It is either *particular* or *general*, and will be best understood by attending it, and by the Regulations of the *General* or *Grand Lodge* hereunto annexed. In ancient Times, no *Master* or *Fellow* could be absent from it, especially when warned to appear at it, without incurring a severe censure, until it appeared to the *Master* and *Wardens*, that pure Necessity hindered him.

The Persons admitted members of a *Lodge*, must be good and true Men, free born, and of mature and discreet Age, no Bondmen, no Women, no immoral or scandalous Men, but of good Report.

#### Charge IV.

Of MASTERS, **W**ardens, Fellows, and *Apprentices*.

All preferment among *Masons* is grounded upon real Worth and personal Merit only; that so the *Lords* may be well served, the Brethren not put to Shame, nor the *Royal Craft* despised: Therefore no *Master* or *Warden* is chosen by Seniority, but for his Merit. It is impossible to describe these things in writing, and every Brother must attend in his Place, and learn them in a way peculiar to *this Fraternity*: Only *Candidates* may know, that no *Master* should take an *Apprentice*, unless he has sufficient Employment for him, and unless he be a perfect Youth, having no Maim or Defect in his Body, that may render him incapable of learning the *Art*, of serving his *Master's Lord*, and of being made a *Brother*, and then a *Fellow Craft* in due time, even after he has served such

a Term of Years as the Custom of the Country directs ; and that he should be descended of honest Parents ; that so, when otherwise qualified, he may arrive to the Honour of being the WARDEN, and then the *Master* of the *Lodge*, the *Grand Warden*, and at length the GRAND MASTER of all the *Lodges*, according to his Merit.

No Brother can be a WARDEN until he has passed the Part of a *Fellow Craft* ; nor a MASTER until he has acted as a *Warden*, nor GRAND WARDEN until he has been *Master* of a *Lodge*, nor **Grand Master** unless he has been a *Fellow Craft* before his Election, who is also to be nobly born, or a *Gentleman* of the best Fashion, or some eminent *Scholar*, or some curious *Architect*, or other *Artist*, descended of honest Parents, and who is of singular great Merit in the Opinion of the *Lodges*. And for the better, and easier and more honourable Discharge of his Office, the *Grand Master* has a Power to chuse his own DEPUTY GRAND MASTER, who must be then, or must have been formerly, the *Master* of a particular *Lodge*, and has the Privilege of acting whatever the GRAND MASTER, his *Principal*, should act, unless the said *Principal* be present, or interpose his Authority by a Letter.

These Rulers and Governors, *supreme* and *subordinate* of the ancient *Lodge*, are to be obeyed in their respective Stations by all the Brethren, according to the *old Charges* and *Regulations*, with all Humility, Reverence, Love, and Alacrity.



**Charge V.***Of the MANAGEMENT of the CRAFT in working.*

All *Masons* shall work honestly on working Days, that they may live creditably on *holy Days*; and the time appointed by the Law of the Land, or confirmed by Custom, shall be observed.

The most expert of the *Fellow Craftsmen* shall be chosen or appointed the *Master* or Overseer of the *Lord's* work; who is to be called MASTER by those that work under him. The *Craftsmen* are to avoid all ill Language, and to call each other by no disoblising Name, but *Brother* or *Fellow*; and to behave themselves courteously within and without the *Lodge*.

The *Master*, knowing himself to be able of Cunning, shall undertake the *Lord's* Work as reasonably as possible, and truly dispend his Goods as if they were his own; nor to give more Wages to any brother or *Apprentice* than he really may deserve.

Both the *Master* and the *Masons* receiving their Wages justly, shall be faithful to the *Lord*, and honestly finish their Work, whether *Task* or *Journey*; nor put the Work to *Task* that hath been accustomed to *Journey*.

None shall discover Envy at the Prosperity of a Brother, nor supplant him, or put him out of his Work, if he be capable to finish the same; for no Man can finish another's Work so much to the *Lord's* Profit, unless he be thoroughly acquainted with the Designs and Draughts of him that began it.

When a *Fellow Craftsman* is chosen *Warden* of the

Work under the *Master*, he shall be true both to *Master* and *Fellows*, shall carefully oversee the work in the *Master's* Absence to the *Lord's* Profit; and his Brethren shall obey him.

All *Masons* employed, shall meekly receive their Wages without Murmuring or Mutiny, and not desert the *Master* till the Work is finished.

A *younger* Brother shall be instructed in working, to prevent spoiling the Materials for want of Judgment, and for increasing and continuing of *Brotherly Love*.

All the Tools used in Working shall be approved by the Grand Lodge.

No *Labourer* shall be employed in the proper Work of *Masonry*; nor shall **Free** **Masons** work with those that are *not free*, without an urgent Necessity; nor shall they teach *Labourers* and *unaccepted* *Masons*, as they should teach a *Brother* or *Fellow*.

#### Charge VI.

OF BEHAVIOUR viz. *In the Lodge while Constituted.*

1. You are not to hold private Committees, or separate Conversation, without Leave from the *Master*, nor to talk of anything impertinent or unseemly, nor interrupt the *Master* or *Wardens*, or any Brother speaking to the *Master*; Nor behave yourself ludicrously or jestingly while the *Lodge* is engaged in what is serious and solemn; nor use any unbecoming Language upon any pretence whatsoever; but to pay due Reverence to your *Master*, *Wardens*, and *Fellows*, and put them to worship.

If any Complaint be brought, the Brother found guilty shall stand to the award and Determination of the *Lodge*, who are the proper and competent Judges of all such controversies, (unless you carry it by *Appeal* to the GRAND LODGE) and to whom they ought to be referred, unless a *Lord's* Work be hindered the meanwhile, in which case a particular Reference may be made; but you must never go to Law about what concerneth *Masonry*, without an absolute necessity apparent to the *Lodge*.

**Behabfour** after the LODGE is over and the Brethren  
not gone.

2. You may enjoy yourselves with innocent Mirth, treating one another according to Ability, but avoiding all Excess, or forcing any Brother to eat or drink beyond his Inclination, or hindering him from going when his Occasions call him, or doing or saying anything offensive, or that may forbid an *easy* and *free* Conversation, for that would blast our Harmony, and defeat our laudable Purposes. Therefore no private Piques or Quarrels must be brought within the door of the *Lodge*, far less any Quarrels about *Religion*, or *Nations*, or *State Policy*, we being only, as *Masons*, of the *Catholic Religion* above mentioned; we are also of all *Nations*, *Tongues*, *Kindreds*, and *Languages*, and are resolved against all **Politicks**, as what never yet conduced to the Welfare of the *Lodge*, nor ever will. This *Charge* has been always strictly enjoined and observed; but especially ever since the *Reformation* in *BRITAIN*, or

the Dissent and Secession of these Nations from the *Communion of ROME.*

**Behabfourt** when Brethren meet without Strangers, but not in a **Lodge** formed.

3. You are to salute one another in a courteous manner, as you will be instructed, calling each other *Brother*, freely giving mutual Instruction as shall be thought expedient, without being overseen or overheard, and without encroaching upon each other, or derogating from that Respect which is due to any Brother, were he not a Mason: For though all *Masons* are as *Brethren* upon the same *Level*, yet *Masonry* takes no Honour from a Man that he had before; nay rather it adds to his Honour, especially if he has deserved well of the Brotherhood, who must give Honour to whom it is due, and avoid *ill Manners*.

**Behabfourt** in Presence of STRANGERS not **Masons**.

4. You shall be cautious in your Words and Carriage, that the most penetrating Stranger shall not be able to discover or find out what is not proper to be intimated; and sometimes you shall divert a discourse, and manage it prudently for the Honour of the *Worshipful Fraternity*.

**Behabfourt** at HOME and in your Neighbourhood.

5. You are to act as becomes a moral and Wise Man; particularly, not to let your Family, Friends, and Neighbours know the *Concerns* of the *Lodge*, &c. but wisely to consult your own Honour, and that of the *ancient Broth-*

*erhood*, for Reasons not to be mentioned here. You must also consult your Health, by not continuing together too late, or too long from Home, after Lodge hours are past ; and by avoiding of Gluttony or Drunkenness, that your Families be not neglected, or injured, nor you disabled from Working.

*Behabfour towards a Strange Brother.*

6. You are cautiously to examine him, in such a Method as Prudence shall direct you, that you may not be imposed upon by an ignorant false *Pretender*, whom you are to reject with Contempt and Derision, and beware of giving him any hints of Knowledge.

But if you discover him to be a true and genuine *Brother*, you are to respect him accordingly ; and if he is in want, you must relieve him if you can, or else direct him how he may be relieved. You must employ him some days, or else recommend him to be employed. But you are not charged to do beyond your Ability, only to prefer a poor *Brother*, that is a *good Man and true*, before any other poor People in the same circumstances.

FINALLY, All these *Charges* you are to observe, and also those that shall be communicated to you in *another way* ; cultivating BROTHERLY LOVE, the Foundation and Capestone, the *Cement and Glory* of this Ancient *Fraternity*, avoiding all Wrangling and Quarrelling, all Slander and Backbiting, nor permitting others to slander any honest Brother, but defending his Character, and doing him all good Offices, as far as is consistent with

your *Honour and Safety*, and no farther. And if any of them do you Injury, you must apply to your own or his *Lodge*; and from thence you may appeal to the GRAND LODGE at the *quarterly Communication*, and from thence to the *Annual GRAND LODGE*, as has been the ancient laudable Conduct of our Forefathers in every nation; never taking a *legal Course* but when the case cannot be otherwise decided, and patiently listening to the honest and friendly advice of *Master and Fellows*, when they would prevent your going to Law with *Strangers*, or would excite you to put a speedy Period to all *Law suits*, that so you may mind the *Affair* of MASONRY with the more Alacrity and Success; but with respect to *Brothers or Fellows* at Law, the *Master and Brethren* should kindly offer their Mediation, which ought to be thankfully submitted to by the contending Brethren; and if that submission is impracticable, they must however carry on their *Process*, or *Lawsuit*, without Wrath and Rancor (not in the common way) saying or doing nothing which may hinder *Brotherly Love*, and good Offices to be renewed and continued; that all may see the *benign Influence* of MASONRY, as all true *Masons* have done from the Beginning of the *World*, and will do to the end of *Time*.

Amen so mote it be.

Adopted June 8, 1873.

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CONSTITUTION AND STATUTES  
OF THE  
GRAND LODGE  
OF  
FREE AND ACCEPTED MASONS  
*OF THE STATE OF NEW YORK.*

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THE Free and Accepted Masons of the State of New York, by their Grand Officers and Representatives in Grand Lodge assembled, at an Annual Communication thereof, in accordance with existing Constitutions and Laws, do ordain and establish the following Constitution and Statutes:

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CONSTITUTION.

ARTICLE I.

OF THE GRAND LODGE.

§ 1. The style of this Grand Lodge shall be  
"THE GRAND LODGE OF FREE AND ACCEPTED MASONS,  
OF THE STATE OF NEW YORK."

§ 2. The government of Free and Accepted Masons is reposed :

1. In GRAND LODGES ; and,
2. In SUBORDINATE, or PARTICULAR LODGES.

There is, perhaps, no subject of so much real interest to the Craft at large, to which the brethren have given so little attention, as to that involved in the nature of Masonic government as set forth in the preceding sections of Article I. In general terms the lay brethren, as individuals and in their capacity as lodges, seem to entirely forget that there are any rights vested in them as individuals or as lodges which the Grand Lodge is bound to respect, and they accept its legislation as not open to question and not liable to error. In behalf of the proper discipline of the Institution, we cannot but applaud this willingness to submit to the findings of our Masonic legislature ; yet, at the same time, we must be permitted to call attention to the fact, that in Masonry as in the public affairs of our country the real sovereignty resides after all in the people, and that, hence, whenever any valuable right or franchise is taken away from them by the legislative body, the fault lies mainly with themselves, because they have not taken care to assert and maintain their own rights in the premises. Grand Lodges, while moved by an earnest desire to act for the best are none the less fallible, and subject to be swayed by circumstances into the adoption of laws not always either wholesome in



themselves or applicable to the best interests of their constituents, and hence it will be found that no inconsiderable part of their legislation is the subject of continual revision from the experimental character it bears from its very inception. A striking instance of this is afforded in reviewing the action of our Grand Lodge for the past twenty years on the subject of lodge dues. During that time scarcely a session has passed without some change, or proposed change, in regard to the payment or non-payment of dues in lodges, and the lodges have quietly accepted and conformed to whatever change may have been made; yet if any one will carefully reflect upon the subject he must arrive at the conclusion that the whole matter is of a purely family nature, that every lodge being the judge of its own membership and its own private affairs, should of right and by law be left to arrange this matter of dues to suit itself in accordance with the views of a majority of its own membership, charging more or less dues or no dues at all as its own best interests may dictate, and making such laws for their collection as may best meet the circumstances of each family group. So again in the matter of admission to initiation and membership, every lodge has an indefeasible right to settle such questions for itself, and without regard to any power or authority outside of itself.

The real power ceded to the Grand Lodge at the revival of 1717 is simply a general supervision of

those matters in which all are alike interested, while all other matters remain, or at least should remain, within the domain of the particular lodges.

If this distinction were clear in the minds of the brethren, there would be less legislation in the Grand Lodge, and more peace and harmony in the subordinates; we therefore conclude that the lodges and brethren have some rights which they neither have lost nor can surrender, and that their best hope for the future lies in vigilantly watching against any encroachment upon those rights, and in a firm determination that Grand Lodge legislation shall not pass beyond the line which separates the general from the particular. In other words, and to repeat what has already been said, while the relations of lodges toward one another, and toward their peers of other jurisdictions are to be governed by the law in such cases made and provided by the Grand Lodge, their interior or family government belongs to themselves, and ought not to be surrendered while there is a possibility of resistance.

Hence the following section :

§ 3. This Grand Lodge has supreme and exclusive jurisdiction over all matters of Ancient Craft Masonry within the territorial limits of the State of New York,

is to be taken only in its general sense, while Subdivision 2, of the preceding section, will be understood to refer to and authorize all acts which

properly belong to the domain of lodge business and legislation.

§ 4. This Grand Lodge shall be composed of all its Grand Officers, the Past Grand Masters, Past Deputy Grand Masters, Past Grand Wardens, Past Grand Treasurers, Past Grand Secretaries, and one representative from each lodge, who shall be the Master, one of the Wardens in the order of seniority, or a proxy duly appointed by the lodge, the members of the Commission of Appeals, according to the rules prescribed by the Constitution of this Grand Lodge, and also of all such Past Masters of lodges under this jurisdiction as were elected and installed and served one year in the chair of Master prior to the 31st day of December, 1849. But it may at its pleasure, and by duly altering its Constitution, enlarge or diminish the numbers and qualification of its members, provided no one can be a member of this Grand Lodge unless he be a member of some lodge within this jurisdiction.

This section, it will be observed, is a complete surrender on the part of lodges of what has for many years been deemed an indefeasible right of representation in the Grand Lodge. By it the supreme Body claims, and the subordinates allow, that whenever the time shall arrive—and it cannot be far distant—for a further reduction in the number of representatives, the Grand Lodge by amending the Constitution in the foregoing section may bring about that result, and it will be useless to argue about vested rights for the reason already stated, that they have been openly and freely surrendered. No argument is needed to demonstrate

that the Grand Lodge as now constituted is already too unwieldy for intelligent legislation, and it should, therefore, be the act of all who desire peaceful and harmonious progress in the future to look forward to and prepare for such a change in the manner of representation as will secure a more compact body, and allow of such intelligent discussion of questions brought before it as will counteract in the largest measure the evils of hasty and ill-considered legislation.

§ 5. The following Grand Officers shall be elected annually at the Annual Communications of this Grand Lodge: a Grand Master, Deputy Grand Master, Senior Grand Warden, Junior Grand Warden, Grand Treasurer, Grand Secretary.

The following Grand Officers shall be appointed by the Grand Master at the Annual Communication, or within thirty days after the close thereof, or as vacancies may occur, to hold office during his pleasure, namely:

A District Deputy Grand Master for each Masonic District, three Grand Chaplains, a Grand Marshal, Grand Standard Bearer, Grand Sword Bearer, four Grand Stewards, a Senior Grand Deacon, a Junior Grand Deacon, a Grand Lecturer, a Grand Librarian, and a Grand Purusivant and Grand Tyler.]

§ 6. The Grand Lodge shall meet annually, in the City of New York, on the first Tuesday of June.

Special Communications may be called by the Grand Master, but no legislation affecting the general welfare of the Craft shall be made, repealed, or changed, except at the Annual Communication.

§ 7. The representatives of ten lodges, convened on due notice to all the lodges, shall be indispensably necessary to open the Grand Lodge or transact business therein, except on occasions of ceremony, when the Grand Master, or his representative, with a sufficient number of brethren, may open the Grand Lodge and transact the business for which it is called.

§ 8. The elective Grand Officers shall be chosen by ballot, and by a majority of votes, unless there be but one candidate in nomination, when an election may be had by show of hands.

§ 9. When the Grand Master shall be chosen from the city of New York, or the city of Brooklyn, the Deputy Grand Master shall be chosen from some other portion of the State: and when the Grand Master shall be chosen from any portion of the State, other than the city of New York, or the city of Brooklyn, the Deputy Grand Master must be chosen from the said cities. The Grand Treasurer and Grand Secretary shall be chosen from said cities. The Senior Grand Warden and Junior Grand Warden shall be chosen from some part of the State other than the said cities. A residence of four months immediately previous to such election shall be required to comply with this section.

§ 10. Whenever a vacancy shall occur in any Grand Office, the Grand Master may appoint any member of the Grand Lodge to discharge the duties of the office till the vacancy shall be filled at the next Annual Communication.

§ 11. Each member of the Grand Lodge, except the Grand Tiler, shall have one vote as such.

The foregoing sections, 5-11, relate entirely to

Grand Lodge business, and need no explanation further than to remark that the last one (No. 11) entirely sets at rest the idea entertained by many, that a member of the Grand Lodge, being a Past Grand Officer, within the rank set forth in section 4, may vote both as a present member or officer, and also as a past officer. The only possible cumulative voting is where a Grand or Past Grand Officer is also the representative of a lodge. In that case he may vote for himself either in his present or past capacity, and also for the lodge he represents.

§ 12. If represented by the Master or other representative, each lodge shall be entitled to three votes for any number of members less than one hundred, and one additional vote for each additional fifty members exceeding the first fifty.

We are not aware of any other Grand Lodge in the world where so eminently fair a system as this prevails. It is, as will be observed, strictly in accordance with the national idea of taxation and representation going together.

§ 13. No person shall act in Grand Lodge as proxy of a lodge unless he shall have been elected and installed Master of a lodge, and be a member of a lodge under this jurisdiction, nor until there shall have been filed with the Grand Secretary a certificate of his appointment; such certificate to be signed by the Master of the lodge appointing him, attested by its seal and the signature of the Secretary.

Attention is called to the fact that a proxy when duly appointed is the representative, not of the officers, but of the lodge for which he is commissioned to act, and hence there is no power in an individual officer to create a proxy for himself. If the Master of a lodge entitled to representation, finds it necessary or convenient to absent himself from a session of the Grand Lodge, his powers revert, under section 4, to the Wardens, in order of seniority, and should all three be absent and the lodge have failed to appoint a qualified proxy at a previous stated communication, then there is no power of substitution, and for the time being the lodge must go unrepresented. [Refer to section 15 of the Statutes.]

§ 14. None but members of the Grand Lodge (Grand Officers, Past Grand Officers, and representatives of other Grand Lodges excepted) shall be present at the opening of the same, or at an election, nor be admitted at any time, save by unanimous consent of the Grand Lodge.

It is proper to remark here that the Grand and Past Grand Officers referred to in section 14, must be either of the class referred to in section 4, or the Grand or Past Grand Officers of some other recognized jurisdiction.

§ 15. Every officer and member of the Grand Lodge must be a member of a warranted lodge under this jurisdiction.

This section disposes of any question that might arise as to the eligibility to office in the Grand

Lodge, of any Master Mason in good standing in a warranted lodge, without regard to his membership in the Grand Lodge.

## ARTICLE II.

### OF THE POWERS OF THE GRAND LODGE.

§ 16. The powers of this Grand Lodge are :

1. Executive,
2. Legislative, and
3. Judicial.

That is to say, *executive* in executing or causing to be executed by its agents, the laws it has made and established.

*Legislative*, in the power to enact all necessary laws not in violation of its own Constitution and the ancient landmarks of the Fraternity.

*Judicial*, in the exercise of its functions as a Masonic judicatory, either original or appellate.

§ 17. All general governmental powers, whether executive, legislative, or judicial, and all powers necessary to enforce or carry into effect the provisions of this Constitution, are reposed in the Grand Lodge.

§ 18. The judicial powers of this Grand Lodge may be exercised by the Grand Lodge, or delegated, and are :

1. Original: Embracing all matters of controversy which may arise between any of the lodges under its jurisdiction, or the members of different lodges, and the enforce-



ment of discipline upon its own members and the lodges under its jurisdiction, and upon unaffiliated Masons.

2. Appellate: Embracing all matters of controversy and discipline over which it has or has not original jurisdiction.

This section (18) is commended to attention as expressly conceding that there are some matters of a judicial nature in which the Grand Lodge has not original jurisdiction. The most important of these are, the right of every lodge to try its own members, in the first instance, and, the right of every Mason to be tried by his own lodge, except where the matter in controversy is one between himself and a member of another lodge, or a matter not originating in his own lodge.

It may be remarked here, that, generally, it is held that a Mason being in a jurisdiction other than the one where his membership is held, is amenable to the laws of the jurisdiction where he may be, for any infraction of the moral or Masonic Code; but this is stoutly opposed by many on the ground that a brother has a primary and indefeasible right to be tried by his own lodge, and that New Jersey, for instance, cannot sever the membership of an Illinois Mason from the Lodge in the last named State to which he belongs. We incline to the view first named because the general interest and good name of the Fraternity are of more importance than the place where Masonic justice may be administered.

## ARTICLE III.

## OF MASONIC LAW AND STATUTES.

§ 19. The action of Freemasons in their Grand or subordinate lodges, or in their individual character, is regulated and controlled :

1. By ANCIENT LANDMARKS; or, the unwritten law of Masonry;
2. By WRITTEN CONSTITUTIONS, and General or Special Legislation; and
3. By USAGES, CUSTOMS, RULES, EDICTS, RESOLUTIONS, and lawful judicial action.

§ 20. The Ancient Landmarks are those principles of Masonic government and polity which are the only part of Masonic law or rule of government that may never be altered or disturbed, and such of them as are lawful to be written are usually, but not wholly, engrafted in written Constitutions and General or Special Legislation.

The question, "What are the Landmarks?" here naturally arises, but up to this time we have not found any two authorities who agree in the answer. After much study and experience we can find no better definition than the following written by us many years ago :

"We assume those principles of action to be Landmarks which have existed from time immemorial, whether in the written or unwritten law; which are identified with the form and essence of the society; which the great majority agree cannot be changed, and which every Mason is bound

to maintain intact under the most solemn and inviolable sanctions."

A patient application of the foregoing to any assumed Landmark or to a real one will enable the inquirer to come near enough to the truth for all practical purposes.

§ 21. Constitutions are those written compacts or laws adopted by Freemasons for the government of a Grand Lodge and its subordinate lodges and their members—including fundamental provisions, constitutionally adopted, that are intended to be permanent in their character.

§ 22. General or Special Laws, Usages, and Customs, Rules, Edicts, and Resolutions, are those Masonic rules of action adopted, by competent authority, for local or temporary purposes, admitting of change at convenience, and not embraced in Ancient Landmarks or Constitutions, and are herein termed Statutes.

We call attention to the distinction made in Section 22 as one of great importance, as drawing the line between those accepted and established principles of Masonic law which, if not always Landmarks, are practically so nearly related to them as to make their alteration at once difficult and unnecessary, and those local regulations which are called for by circumstances, and which may be changed or abrogated without affecting the underlying principles of the institution.

In making this distinction, to which we were the first to call attention, we are satisfied that our

Grand Lodge acted wisely, and we trust that in our day, at all events, there may be as little change as possible, for thus our system of jurisprudence will rest on a secure foundation, and the need for opinions, decisions, and constructions gradually disappear.

## ARTICLE IV.

### OF THE POWERS AND DUTIES OF GRAND OFFICERS.

§ 23. The Grand Master has power :

1. To convene any lodge within the jurisdiction, preside therein, inspect its proceedings, and require its conformity to Masonic rules.
2. To require the attendance of, and information from, any Grand Officer respecting his office.
3. To suspend any elected officer of a lodge from the functions of his office for just cause.
4. To suspend the warrant of a lodge for just cause until the next Annual Communication of the Grand Lodge.
5. In case of a vacancy in the offices of Master and Wardens of a lodge, to grant a dispensation for an election to fill such vacancies.
6. To grant a dispensation to a lodge to elect or install its officers, when such lodge may have failed to elect or install its officers at the proper time.
7. To grant a dispensation for a new lodge, under the restrictions of the Constitution

and on the petition of at least seven Master Masons.

8. To grant such other dispensations as may be applied for in accordance with the Constitution.
9. To appoint Representatives of this Grand Lodge near other recognized Grand Lodges, and to receive and accredit Representatives of other recognized Grand Lodges near this Grand Lodge.
10. To appoint such officers as may be required under this Constitution.
11. To do such other things as are inherent in and pertain to his office, and are not in conflict with this Constitution.

§ 24. It is the duty of the Grand Master :

1. To preside in the Grand Lodge.
2. To exercise all the executive functions of the Grand Lodge when it is not in session.

Whoever will carefully study the powers and duties of the Grand Master as set forth in the two foregoing sections (23 and 24) will see that as far as the Grand Lodge of New York is concerned those mythical prerogatives of the Grand Master, which, for so many years, we have been taught to regard as the "inalienable prerogatives of his office," are not recognized. These powers, popularly held to descend to him from his predecessors, were supposed to enable him in his discretion to soar above and beyond any written Constitution or regulation of the Grand Lodge; the averment being that Grand Masters existed before Grand

Lodges, and that hence the inherent powers of the office could not be altered by legislation. Under this view it was held that the Grand Master, by virtue of the high power and authority in him vested, might, at his pleasure, make any profane a Mason. In time this came to be modified by the addition of the words "in a regular lodge," and now it is disputed altogether, for reasons which will appear further on.

Again, it has long been held and to this day is still held in various Grand Lodge jurisdictions, that a lodge under dispensation, is simply a committee appointed by the Grand Master, in his discretion, to make Masons, that it cannot have a seal, admit members or frame a code of by-laws, because the Grand Master may, at his pleasure, recall the dispensation at any moment.

Assuming this to be true, then, a Grand Master, desiring to make a Mason at sight, need only issue his dispensation, creating a new lodge, summon the members, and then, by a further exercise of the dispensing power, set aside the requirement for a petition, investigation and ballot, and proceed to confer the degrees, or in other words, make a Mason at sight.

Once more: a Grand Master of another jurisdiction, in his annual address before his Grand Lodge last year, assumed—and still maintains—that the inherent powers of his office enable him, when in his judgment the higher interests of the fraternity

demand it, to set aside the constitution and regulations, and proceed, of his own will, and without regard to them, the case calling for those remarks being where the nearest lodge refused to give its consent to the establishment of a new lodge.

The foregoing are simply different phases of one question, which, it will be found, turns on a very simple pivot when we come to look into it.

Masonry certainly existed previous to the revival of 1717, or else there could have been no revival of that which did not exist; but previous to that time there were neither Grand Lodges, nor warranted lodges, nor lodges under dispensation. Lodges certainly existed, but they had no element of permanency, save perhaps the custom of meeting at some designated place. When it was deemed necessary to hold a lodge, the requisite number of Brethren, having previously obtained the sheriff's permission, assembled, transacted their business, and dissolved, so to speak, for when they left the room the lodge had ceased to exist, and had not, nor could it have, any relation to the next one. But when the first Grand Lodge was formed, all the brethren, gentle and simple, surrendered to it a portion of their personal rights in order that, as in all governments, the general interests of the whole Fraternity might thereby be promoted. The Grand Lodge thus empowered, decided that thenceforward lodges must have regular warrants from and under its authority, and lodges thenceforward

were subjects of law. When the first Grand Master was elected to preside over the Grand Lodge, he, too, became subject to the law, and by his acceptance of the office, gave up all claim he may have imagined himself possessed of to override, or set aside the Constitution.

Lodges under dispensation are an American specialty, are the creatures, not of the Grand Master, but of the regulations to that effect made and provided by the Grand Lodges. The *discretion* of the Grand Master is, whether he will or will not grant a dispensation applied for; if he does grant it, he must first be convinced that all the requirements have been first complied with, or else the Grand Lodge could not grant the subsequent warrant without itself becoming a law-breaker. So, too, the Grand Master may, in his discretion, recall a dispensation, but it is evident that in so doing he must have sufficient cause, or else he could hardly expect the Grand Lodge to approve his act.

So also in the case of making a Mason at sight. There is not a word of written law to show that the Grand Master ever had the power to take a profane into a room and declare him a Mason; hence, if the power is exercised at all, it must be in a regular lodge. But this involves the setting aside of the positive law requiring a petition, committee, and ballot, and as the Grand Master can only establish a Lodge in accordance with the provisions



of the law, so, too, he can only work or permit others to work in a lodge under the same sanctions.

This leads us to the conclusion that the Grand Master, like all Masons under his jurisdiction, is bound by the terms of the Constitution, and except where the power is specially given him in the instrument itself, has no power whatever to set aside the provisions. He *may* expound the law, but he *must* maintain it.

The Grand Lodge decided in 1875, "That there is no inherent right in the Grand Master to grant a dispensation to a lodge to confer a degree at an interval less than that fixed by the statutes of the Grand Lodge.

§ 25. In case of the death, absence, or inability of the Grand Master, or of a vacancy in his office, the Deputy Grand Master, Senior Grand Warden, and Junior Grand Warden will in succession assume his prerogatives, powers, and duties, for all purposes.

§ 26. The Deputy Grand Master has power to discharge such executive functions of the Grand Lodge as may be delegated to him by the Grand Master, and such duties as may be imposed by this Constitution.

The office of Deputy Grand Master is purely an emanation of the Regulations of 1721, previous to which time it did not exist, and that the Grand Lodge considers it merely formal, to be used in case of need, is evident from the foregoing, and from the fact, that practically he has less author-

ity than the District Deputies. In England the Deputy always has been, and still is, appointed by the Grand Master, and we incline to the opinion that such ought to be the practice here.

§ 27. It shall be the duty of the Grand Wardens to assist in the affairs of the Grand Lodge, and diligently to endeavor to preserve the Ancient Landmarks throughout the jurisdiction.

§ 28. It shall be the duty of the Grand Treasurer:

1. To take charge of all the funds, property, securities, and vouchers of the Grand Lodge, depositing the same in some depository to be approved by the Grand Master, in the name of the Grand Lodge, payable on his order as Grand Treasurer.
2. To pay all orders duly drawn under general regulations or special directions of the Grand Lodge, and certified by the Grand Secretary.
3. To attend on the Grand Lodge or its presiding officer, when required, with the books and all documents relating to his office; and, when required, the meeting of any Committee whose duty it may be to act in relation to the fiscal concerns of the Grand Lodge.
4. To report annually to the Grand Lodge the amount of his receipts and expenditures by items, and from whom and when received, and to whom and when paid, and the amount of securities in his hands for funds invested by the Trustees of the Permanent Fund.
5. To execute and file with the Grand Master an official bond, with sureties, and in an

amount to be approved by the Grand Master or Deputy Grand Master, at the commencement of each term of office, and to be renewed, as to amount or sureties, whenever required by the Grand Master, conditioned that he will pay or deliver on demand to the Grand Lodge, or to his successor in office, all funds and property of the Grand Lodge that shall come to his hands as Grand Treasurer and remain unexpended; and,

6. To pay and deliver, at the expiration of his term, to his successor in office, or such person as shall be designated by the Grand Lodge, all moneys, securities, evidences of debt, books, writings, and property of the Grand Lodge under his control, with all proper assignments when necessary.

§ 29. It shall be the duty of the Grand Secretary :

1. To record the transactions of the Grand Lodge.
2. To register all initiates and members of Lodges under this jurisdiction returned to him for that purpose, with the particulars set forth in such returns.
3. To receive, duly file, and safely keep all papers and documents of the Grand Lodge.
4. To sign and certify all instruments from the Grand Lodge.
5. To receive and keep a proper account of all moneys of the Grand Lodge, with date of their receipt, and pay over the same promptly to the Grand Treasurer, taking his receipt therefor.
6. To report annually to the Grand Lodge the amount of money received by him, by items and dates, and the specific sources

from which it was received; also the lodges that have neglected to render proper returns of their elections, members and dues, and such general information as to the state of the lodges as may be proper for the information or action of the Grand Lodge.

7. To conduct the correspondence of the Grand Lodge, under the direction of the Grand Master, and in a Masonic manner.
8. To attend, with any books, papers or writings under his control, or in his custody, on all meetings of the Grand Lodge, and whenever required by the Grand Master or Deputy Grand Master, on the requisition of the Grand Master; and also to attend upon the Grand Master or Deputy Grand Master, on Masonic business, when required.
9. To keep his office open, for the transaction of Masonic business, at least five hours each day, except Sunday, of which public notice shall be given.
10. To transmit to the several Grand Lodges, in correspondence with this Grand Lodge, a certificate of the election of Grand Officers, immediately thereafter, containing their signatures, respectively, and authenticated under his hand and seal of the Grand Lodge, with a request for a similar document from each of said Grand Lodges.
11. To notify each of the lodges, in any Masonic District, of the appointment of a District Deputy Grand Master for that District, and to furnish each District Deputy Grand Master with a list of the lodges in his District, and to furnish blank forms for the

annual statements of District Deputy Grand Masters.

12. To prepare Forms of Registry and Returns of the Elections, blanks for Tabular statements of District Deputy Grand Masters, and Certificates of the Appointment of Proxies, in accordance with the Constitution, and to furnish two copies of each to each lodge annually.
13. To keep an Alphabetical Register of all rejections officially reported to him from lodges, specifying the date of such rejection, the age, occupation, and residence of the person rejected, and such other information as may be embodied in such reports, together with the name and number of the lodge from which received, and at all proper times to furnish the free inspection of said Register to all Master Masons in good standing.

§ 30. It shall be the duty of the Grand Chaplains to attend the Grand Lodge and to conduct its religious services.

§ 31. It shall be the duty of the Grand Marshal, Grand Standard Bearer, Grand Sword Bearer, Grand Stewards, Grand Deacons, Grand Pursuivant, and Grand Tyler to perform such duties as pertain to their offices.

§ 32. It shall be the duty of the several Officers of the Grand Lodge, in addition to the duties herein specially mentioned, to perform such other duties appertaining to their offices as shall, from time to time, be directed by the Grand Lodge, or Grand Master, under the provisions of this Constitution.

## ARTICLE V.

MASONIC DISTRICTS AND THE POWERS AND DUTIES  
OF DISTRICT DEPUTY GRAND MASTERS.

§ 33. The existing Masonic Districts shall remain as now organized, subject to alterations by the Grand Lodge at any Annual Communication.

§ 34. Every District Deputy Grand Master shall be well skilled in the Standard Work of the three degrees of Ancien Craft Masonry, and in the customs and usages of the Craft; he shall be a Master or Past Master, and a member in good standing of some lodge in the District for which he is appointed, and shall receive a warrant of his appointment, signed by the Grand Master and attested by the Grand Secretary.

§ 35. Each District Deputy Grand Master shall have power, and it shall be his duty :

1. To appoint Commissioners to hear and determine matters of controversy that may arise in his District.
2. To visit officially every lodge in his District, at a stated or special communication thereof, at least once during his term, if practicable; and all necessary expenses incurred by him, while in the discharge of this duty, shall be paid by the lodge so visited.
3. To preside in each lodge upon the occasion of his official visit after it is opened; to examine its books and records, and see if they are properly kept; to inform himself of the number of members, and the punctuality and regularity of their attendance; to ascertain the state and condition

of the lodge in all respects; to point out any errors he may ascertain in their conduct and mode of working; and to instruct them in every particular wherein he shall find they may require or may desire information, and particularly to recommend attention to the moral and benevolent principles of Masonry, and caution in the admission of candidates; to determine and order in what cases a member, alleged to have been illegally stricken from the rolls, rendered unaffiliated, or suspended for non-payment of dues only, shall be restored to the rolls or re-instated; and if he discover in his District any Masonic error or evil, to endeavor to immediately arrest the same by Masonic means, and, if he judge it expedient, to specially report the same to the Grand Master.

4. To receive and secure the funds and property of any dormant or extinct lodge in his District.
5. To prepare, on blanks to be furnished by the Grand Secretary, a statement in tabular form, of the condition of each lodge in his District for the year ending on the first day of May, in each year, and transmit such statement to the Grand Secretary, to be by him laid before the Grand Lodge.
6. To prepare a report for the year ending on the first day of May, in each year, on the general condition of Masonry in his District, and of his acts therein, with such particulars as he may deem necessary, and transmit such report to the Grand

Master on or before the fifteenth day of May, in each year.

7. To perform such other services and executive duties as may be deputed or intrusted to him by the Grand Master or by the Grand Lodge.

This office, though admittedly of modern origin, has been found of eminent service in lightening the responsibilities and labors of the Grand Master and in facilitating the business of the lodges. The District Deputy is strictly governed by the rules laid down in the Constitution, and has no power beyond them.

We take great pleasure in testifying that those brethren who have held the office in this State have deserved well of the Craft for their discretion, energy, and devotion to duty.

## ARTICLE VI.

### OF WORK AND LECTURES.

§ 36. The Grand Lecturer shall be a Master or Past Master, of Masonic skill and learning, and shall have power to appoint one or more competent assistants in each judicial district of this State.

§ 37. It shall be the duty of the Grand Lecturer and his assistants to impart the Standard Work and Lectures approved and determined by the Grand Lodge, to the lodges or brethren in this jurisdiction, in such manner as the Grand Lodge may prescribe.



§ 38. Every Lodge shall adopt and practice the Standard of Work and Lectures imparted by the Grand Lecturer or Assistant Grand Lecturers, and no other; and any lodge violating this provision, without express authority from this Grand Lodge, shall be subject to punishment.

§ 39. Any Freemason not duly authorized, who shall impart any Work or Lectures, except in the instruction of an actual candidate, shall be subject to discipline; but this shall not apply to the Master or Wardens of a lodge, or any Present or Past Master, or competent brother invited by them.

Stringent as the foregoing provisions appear on the surface, they have been found little onerous in practice. No case of discipline for lack of observance has ever yet occurred, the Grand Lodge and its officers apparently deeming it wiser to trust to time and the general disposition to follow the fashion, for the establishment of the Standard Work, rather than to harsh measures.

The result has unquestionably been all and more than was anticipated; still it is a question whether it is well, in the interests of correct discipline, to have on the statute-book a law which any one may disregard with impunity. That this law has been so largely observed is a compliment rather to the general respect for law than to the vigor of executive authority.

## ARTICLE VII.

### OF REVENUE AND FUNDS.

§ 40. The revenue of this Grand Lodge shall be derived from the following sources :

- |  |          |
|--|----------|
| 1. For every dispensation to form a new lodge.....   | \$100 00 |
| 2. And if a Warrant shall be afterward granted, the additional sum of...   | 20 00    |
| 3. For every Grand Lodge Diploma...  | 2 00     |
| 4. For every Grand Lodge Traveling Certificate .....   | 50       |
| 5. For every person initiated into a lodge .....   | 3 50     |
| \$3 whereof shall be appropriated to the increase of the Hall and Asylum Fund.                                     |          |
| 6. For the adjoining fee of every Master Mason, and also every E. A. or F. C., from without the jurisdiction ..... | 50       |
| 7. For registry fee of every adjoining member or Entered Apprentice made .....                                     | 25       |
| 8. Every lodge shall pay for each of its members, annually.....  | 50       |
| 9. Every lodge shall pay for each of its members, annually, for the period of five years.....                      | 50       |
| which shall be appropriated to the Hall and Asylum Fund.   |          |

§ 41. Every lodge shall pay a full year's dues on all members embraced in its last previous return, but no dues for members made or affiliated during the year for which the return is made.

§ 42. The management of the permanent funds is vested in a Board of Trustees, denominated the Trustees of the Permanent Fund, consisting of the Grand Master, Deputy Grand Master, Grand Wardens and Grand Secretary, and all the invested funds of the Grand Lodge shall be placed under the management and stand in the names of the

said Trustees, whose duty it shall be to take the best measures for the security and increase of said funds, and to invest from time to time, as a majority may decide upon, all money which shall come into the hands of the Grand Treasurer, after paying salaries, representatives and rent, and after leaving in his hands, for charitable and contingent purposes, such sum as the Grand Lodge may, from time to time, direct. The said Trustees shall deposit in the hands of the Grand Treasurer the security and vouchers of the said invested funds, and shall not have the power to appropriate any part of the invested fund without a vote of the Grand Lodge at the Annual Communication.

§ 43. The accounts of the Grand Treasurer and Grand Secretary shall be examined, and the items compared with the vouchers quarterly, by a discreet Committee of three Brethren—Past Masters, Masters, or Wardens—from different lodges, to be appointed by the Grand Master or the Deputy Grand Master, and such Committee shall make and certify their report to the officer appointing them.

## ARTICLE VIII.

### OF SALARIES OF OFFICERS AND THE PAY OF REPRESENTATIVES.

§ 44. The Grand Treasurer, Grand Secretary, Grand Lecturer, Grand Pursuivant, and Grand Tyler shall each receive such stated compensation for his services as the Grand Lodge shall direct, which compensation shall be fixed before said officers or any of them are elected or appointed, and shall not be altered at any time so as to affect the incumbent in office.

## ARTICLE IX.

## OF WARRANTED LODGES.

§ 45. A warranted lodge consists of a Master, a Senior Warden, a Junior Warden, a Treasurer, a Secretary, a Senior Deacon, a Junior Deacon, a Tyler, and as many members as may be convenient, congregating and working in pursuance and by virtue of a warrant held under the authority of a Grand Lodge having lawful jurisdiction over it.

§ 46. The powers, duties, and privileges of a warranted lodge under this jurisdiction are such as are defined by its warrant, by the Constitution of this Grand Lodge, and the Ancient Landmarks.

They are divided into :

1. Executive : The Master has the primary executive power of the lodge.
2. Legislative : Over all matters relating to its internal concerns, not in derogation of the Ancient Landmarks, the Constitution of this Grand Lodge, or of its own particular By-Laws.
3. Judicial : In the exercise of discipline and the hearing and determining of controversies.

It is quite clear that a subordinate lodge has no authority to settle controversies, except among its own members ; still it would have been better had this fact been more explicitly stated. It will, of course, be understood that the Executive, Legislative, and Judicial functions of a lodge relate entirely to its own concerns.

## ARTICLE X.

## OF THE DISSOLUTION OF LODGES, AND SURRENDER OF AND FORFEITURE OF WARRANTS.

§ 47. A lodge can be dissolved only by the surrender or forfeiture of its warrant.

§ 48. The warrant of a lodge can be surrendered only when there cannot be found among its members seven brethren, duly qualified, desirous of retaining the same.

§ 49. A lodge may forfeit its warrant by :

1. Contumacy to the authority of the Grand Master or Grand Lodge.
2. Departure from the original plan of Masonry and Ancient Landmarks.
3. Disobedience to the Constitution or Laws.
4. Ceasing to meet for one year, and
5. Neglecting to make returns and pay dues for two years.

§ 50. No warrant of a lodge can be declared forfeited except upon charges regularly made in Grand Lodge, at its Annual Communication, of which charges due notice shall be given to the lodge, and an opportunity afforded of being heard in its defense.

§ 51. The surrender of a warrant, when approved, or the forfeiture of a warrant, when declared by the Grand Lodge, shall be conclusive upon the lodge and its members, and all the property of the lodge shall become the property of, and must, on demand, be surrendered to the Grand Lodge, or its authorized agent, by the person or persons having its custody.

§ 52. The warrant of a lodge may be suspended by the Grand Lodge or Grand Master at any time, upon proper cause shown; which suspension, when made by the Grand Master, shall not extend beyond the the next Annual Communication of the Grand Lodge.

## ARTICLE XI.

### DISPENSATIONS FOR NEW LODGES.

§ 53. No dispensation to form a new lodge in the State of New York shall be issued without the recommendation of all the lodges whose jurisdiction would be affected by such new lodge, except in cities; nor in any city except upon the recommendation of at least a majority of all the lodges in such city, unless such city shall consist of more than one Masonic District, in which case the consent of a majority of the lodges in the District in which it is sought to locate such new lodge shall be sufficient; nor within three months next preceding an Annual Communication, nor without the certificate of a warranted lodge, whose jurisdiction would be affected by such new lodge, that the proposed Master and Wardens of such new lodge have exhibited their work in the three degrees of Ancient Craft Masonry in said warranted lodge, and that such proposed Master and Wardens are well skilled in the said work, and are competent to confer said degrees and impart the lectures thereof, and that all of the petitioners for such dispensation are in good Masonic standing; nor without a good and sufficient certificate that each of the affiliated petitioners for such dispensation has paid all his dues to the warranted lodge of which he is a member, nor unless the certificate of dimis-

sion, or its equivalent, of each of the unaffiliated petitioners accompanies such petition.

For the application of this law, and the details thereof, see Article XIX. of the Statutes.

## ARTICLE XII.

### OF MEMBERSHIP.

§ 54. Membership in a lodge shall only be acquired by a brother in the manner following :

1. By having been named one of the persons to whom was granted the Dispensation or warrant under which the lodge is constituted.
2. By having been accepted by the lodge as a candidate, and afterward having received the third degree.

And every brother receiving that degree shall be deemed a member of the lodge by which he shall have been accepted (if it shall then exist) and it shall be his duty, immediately after receiving such degree, to sign the By-Laws of such lodge.

3. An Entered Apprentice or Fellow Craft made by a lodge which shall have ceased to exist, may apply to any lodge within the jurisdiction of which he resides for the remaining degrees or degree; and, if the lodge accept his application, shall become a member of such lodge, and sign its By-Laws on receiving the third degree; and,
4. By regular affiliation; but no Master Mason shall become a member of a lodge other than that in which, or at the request, or upon the consent of which, he

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received the third degree, unless it shall appear that he is non-affiliated and not indebted to any lodge for dues or assessments, and that no charges of unmasonic conduct are pending against him.

The application of this article will be more apparent when we come to the Statutes bearing on the case.

### ARTICLE XIII.

#### OF CANDIDATES.

§ 55. No lodge shall initiate a person except upon his petition, and no petition for initiation shall be received by a lodge unless the petitioner shall have in such petition answered in writing the questions prescribed in the Statutes.

§ 56. A lodge shall not initiate any person without due inquiry into his character, nor without being satisfied, in a Masonic manner, that he has not been previously rejected. If it shall be ascertained that a person, being a petitioner for initiation, has been rejected, then no lodge shall initiate him until the expiration of six months after such rejection, nor without the permission of the lodge that rejected him, expressed by a majority vote, if such lodge exist.

The following decisions relate to section 56 :

20. The duty of a member of a Committee appointed to investigate the fitness of a candidate for Masonry, does not require him to ascertain the special religious views of a candidate. If a *pro-fane* is desirous of entering our Institution, it is sufficient if he comes a worthy man, well qualified, intellectually, morally, and physically.



Masonry neither reciprocates nor retaliates the harshness of bigotry or sectarianism. The whole matter of admissibility is left to the conscience of the applicant and to the brethren to whom he makes application.—*Trans.* 1876, p. 31.

59. That the physical qualifications of a candidate for Masonry cannot be determined by the Grand Master. The Grand Master cannot issue a dispensation allowing a lodge to disobey a landmark of Masonry. Whether a candidate is such "a hale man, sound, not deformed or dismembered," as the landmarks of Masonry prescribe to be eligible material for the temple, is a question that must be settled by the conscientious judgment of the Master, and each brother of the lodge. If the Master of a lodge is not satisfied, after thoroughly and scrupulously considering the matter, that the candidate is such a man, it will be his duty to reject him.—*Trans.* 1875, p. 35.

Consult Art. XXV. of the Statutes.

§ 57. A ballot for each degree is an undeniable right whenever demanded, and if after a candidate has been accepted, and before he has been initiated, a new ballot be demanded, it must be taken, and if such ballot result in a rejection, it shall have the same effect as if it had occurred when such candidate was accepted; and if, after a candidate has been initiated, any member shall demand a ballot upon the advancement of the candidate, and such ballot result in a rejection, the candidate may again apply for advancement at any subsequent Stated Communication of the lodge, the application must lie over at least to the next Stated Communication, and a clear ballot must be had before the candidate can be advanced. But no written or verbal objection, except as above

stated, shall have the effect to reject the application of a candidate.

Like the two foregoing articles, the details of this will be more fully considered in the Statutes, but attention is here invited to the fact that the candidate must petition for himself and not through another, and the questions presented (see Statutes) must be answered by him in writing, and hence, that one who cannot write is debarred the privileges of Masonry, because he cannot comply with the constitutional requirement.

Again, section 57 specially provides that a candidate after having been accepted cannot be stopped by any merely verbal or written objection, but only by a ballot when demanded, which, it is very properly ordered, has just the same effect as an original objection and no more.

The following decisions of the Grand Lodge are pertinent to this section :

8. A demand for a ballot may be made at any time, but after a candidate has received the first degree, an adverse ballot will defer his advancement only until a subsequent communication of the lodge, when he may present himself, and after a clear ballot may be advanced ; *provided*, that the balloting be postponed as provided in section 57 of the Constitution.—*Trans.* 1876, p. 111.

9. If the Master of a lodge has begun the work of conferring a degree and a brother has reason to object to the initiation or advancement of the candidate, his proper course is to state to the Master

that he has an objection, and it will rest with the Master whether he will proceed or not.—*Trans.* 1876, p. 30.

14. That where a candidate presented himself for the second degree and was stopped by an adverse ballot: afterwards the brother who demanded the ballot, "removed his objection," it was necessary for a clear ballot to be had before the candidate could be advanced.—*Trans.* 1875, p. 31.

15. That it is a well-established principle of Masonic law that the individual responsibility, in the acceptance or rejection of a candidate for Masonry, cannot be delegated or transferred. A brother cannot cast a blackball *by proxy*.

16. That the Master of a lodge has a right to expect, and it shall be the duty of those who are opposed to the advancement of a brother, to be present at the communication of the lodge and demand a ballot.

17. That a brother's ballot on a petition for initiation or affiliation, or the motives thereof, must not, under any circumstances, be questioned, except in the case provided in section 65 of the Statutes.

18. That although a degree in Masonry may be conferred at a special communication of a lodge, such a course would be manifestly improper, unless, at the previous regular communication, the Master shall have signified his intention so to do, and shall have given an opportunity for a ballot to be demanded.

19. That if it has been announced to a profane that his petition for initiation has been accepted in a lodge, and a new ballot is subsequently spread,

by which he is rejected, there is no impropriety in announcing to him the fact and its effect, provided, that it be by the Master or Secretary only.

20. *Question.*—"A candidate was balloted for and declared rejected by the Master. A motion was made for another ballot. It was granted and resulted 'clear' (none having left the lodge meantime). Was the action of the lodge and of the Master legal, or must the candidate be regarded as rejected material?"

*Ans.*—The candidate, having been declared rejected, "no lodge shall initiate him until the expiration of six months after such rejection," (Section 56, Constitution) "and then only on a new petition of the candidate." (Section 53, Statutes.) The action of the lodge was illegal and void.

21. That a ballot for initiation may be demanded at any communication, whether the candidate appears for his degree or not; and it will be effective if adverse, to keep the applicant out of Masonry, until consent shall be given to another lodge to confer the degrees, or until, after the expiration of six months, a second petition shall be accepted; unless, prior to the demand for a ballot, the applicant shall have been proposed and initiated in another lodge having concurrent jurisdiction.

22. That when a ballot is demanded on the petition of a candidate for initiation or advancement, it is not proper to enter on the minutes of a lodge the name of the brother making the demand.

40. That though the action of a lodge in spreading a second ballot, the first having been declared adverse, was irregular, and rendered the lodge or its Master subject to discipline, still the candidate having been accepted in a regular lodge, and

initiated therein, is a regularly made Mason, and is entitled to all the rights of an Entered Apprentice. There is nothing "clandestine" in his relations to Masonry or to his lodge.

53. That a Committee, appointed in pursuance of the 52d section of the Statutes of the Grand Lodge, must make a report, in terms "*favorable*" or "*unfavorable*," before a ballot shall be spread on the application of a candidate.—*Trans.* 1875, pp. 33 and 232.

7. When the balloting on a petition for initiation has been commenced, it must be completed and the result thereof declared. (*See Sec. 58 of the Statutes.*) The action of the Master of a lodge in postponing the balloting—having once been commenced in such a case—to a subsequent communication was a grievous error, and would subject him to discipline.

8. A demand for a ballot may be made at any time; but after a candidate has received the first degree, an adverse ballot will defer his advancement only until a subsequent communication of the lodge, when he may present himself, and after a clear ballot, may be advanced; *provided*, that the balloting be postponed as provided in section 57 of the Constitution.

10. The motive of casting a ballot will not alter the effect of a rejection of a candidate; but if a brother discloses the ballot he has cast, he may be disciplined therefor. (*See section 65 of the Statutes.*)

11. Although there is no positive enactment limiting the Master's authority over the declaration of the ballot, I am strongly of opinion that no Master who is faithful to his obligations will allow a ballot to be destroyed more than once without declaring the result.—*Trans.* 1876, pp. 30, 111.

## ARTICLE XIV.

## TRIALS AND APPEALS.

§ 58. The Grand Lodge shall have the original jurisdiction to enforce the provisions of its Constitution and Statutes and to hear and determine charges which may be preferred against an unaffiliated Mason, and all matters of controversy which may arise between lodges, or between a lodge and its Master, or between a lodge and a member or members of another lodge, or members of different lodges; and when charges are preferred in any of the foregoing cases, it shall be the duty of the Grand Master, or a District Deputy Grand Master of the District in which the offense or controversy shall arise, to appoint by his warrant a commission, consisting of not more than five nor less than three disinterested brethren, who shall have attained the rank of Master, and shall hail from at least three different lodges, to hear and determine the same.

§ 59. The Grand Lodge, upon the nomination of the Grand Master, shall appoint six Commissioners, to be styled the Commission of Appeals, to consist of Masters or Past Masters in good Masonic standing. These Commissioners, immediately after their appointment, shall divide themselves by lot into three classes, and certify the same to the Grand Secretary. The term of office of class number one shall expire at the end of the first year; of class number two, at the end of two years, and of class number three, at the end of three years; so that there shall be at all times thereafter two Commissioners annually selected by the Grand Lodge, upon the nomination of the Grand Master, in place of those whose terms have

expired, who shall hold their office for three years. Vacancies for unexpired terms may be filled in like manner.

§ 60. The Grand Lodge, upon the nomination of the Grand Master, shall appoint an additional Commissioner to preside in said Commission of Appeals, to be styled Chief Commissioner, and to hold office for three years. Vacancies in the office of Chief Commissioner for the unexpired term shall be filled by the Grand Master.

§ 61. The Commission of Appeals thus constituted shall have the same powers and duties as have been exercised by Committees on Appeals in the Grand Lodge, and shall meet at each Annual Communication.

This article will be more fully understood when taken in connection with Articles XXVI. and XXVII. of the Statutes and the Masonic Code of Procedure, which see.

## ARTICLE XV.

### OF AMENDMENTS.

§ 62. No amendment to this Constitution shall be made or have any effect until it shall have been proposed in Grand Lodge at its Annual Communication in June, and been adopted by the Grand Lodge at the same Communication, and then again adopted in like manner by the Grand Lodge at the next succeeding Annual June Communication—or, in addition to the adoption thereof at one such Annual Communication, it shall, during the next year succeeding, and before the next Annual June Communication thereafter, be adopted by the affirmative vote of a majority of the lodges

within this jurisdiction—to take effect as soon as such consent is promulgated by the Grand Master. If any such amendment be adopted, it shall be appended to the published proceedings at the end under the caption, “Proposed Amendments to the Constitution,” and sent with the printed proceedings to all the lodges in the jurisdiction, and no General Regulation shall be adopted inconsistent with this Constitution, and all former written Constitutions are hereby repealed, and all General Regulations and decisions heretofore made and adopted are also hereby repealed.

§ 63. The Statutes may be amended at any Annual Communication of the Grand Lodge by a two-thirds vote; *provided*, that notice of such proposed amendment shall have been given and the amendment proposed presented in writing at the previous Annual Communication.



# STATUTES.

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UNDER this head, we again remark, come all such matters as are local or transitory in their nature and bearing, or which may be altered, amended, or abrogated without changing the general principles of the Institution

## ARTICLE I.

### INSTALLATION, STYLE, AND INSIGNIA OF GRAND OFFICERS.

SEC. 1. All the elected Grand Officers of the Grand Lodge shall be installed at the Annual Communication at which they shall be elected, or on the nearest convenient day thereafter.

§ 2. The style of the Grand Master is Most Worshipful, of the remaining Grand Officers, Right Worshipful, except the Grand Pursuivant and Grand Tyler, whose style is Worshipful.

§ 3. Each member of the Grand Lodge shall appear therein with his proper jewel and clothing.

## ARTICLE II.

### SALARIES PAY OF REPRESENTATIVES, AND DEDUCTIONS.

§ 4. In the computation of time relative to salaries of Grand Officers, the year shall be considered as commencing on the last day of the Annual Communication of the Grand Lodge, and such salaries to be paid quarterly accordingly.

§ 5. The representative from each lodge shall be entitled to receive his traveling expenses at the rates established by the proprietors of public conveyances, which he shall take in coming directly from his lodge to the place of meeting and returning thereto, as charged by said proprietors at the time, and also five dollars for each day's attendance, and three dollars per day for time actually necessary for traveling to and from the Grand Lodge, not exceeding two days in going and returning. And, though he represent more than one lodge, he shall receive pay only for one lodge; nor shall he receive more than the aggregate dues of the lodges he shall represent.

§ 6. Grand Officers, and past, elected, and installed Grand Officers, enumerated in Section 5 of the Constitution, who do not receive salaries as such, or pay as representatives of lodges, and Commissioners of Appeals shall be entitled to the like compensation from the funds of the Grand Lodge.

§ 7. Absence of a Grand Officer or representative before the close of the Communication, for any cause except sickness of or calamity to himself or his family, shall forfeit all claim to payment or compensation under the two next preceding sections.

### ARTICLE III.

**ELECTIVE OFFICERS OF LODGES, HOW AND WHEN CHOSEN AND INSTALLED—IF NOT DONE IN TIME, DISPENSATION TO ISSUE—OTHER OFFICERS MAY BE APPOINTED.**

§ 8. The Master, Senior Warden, Junior Warden, Treasurer, and Secretary of a warranted

lodge must be chosen annually by ballot, and by a majority of votes at the Stated Communication of such lodge next preceding the twenty-seventh day of December, summoned as required by the warrant, and be installed on or before the next Stated Communication thereafter.

Any lodge may provide for such additional officers, to be either elected or appointed, as its By-Laws may prescribe.

If, at the time prescribed, a lodge shall fail to elect, or within the time prescribed shall fail to install, its Master and Wardens, or any of them; or, if having elected its Master and Wardens at the prescribed time, any of them shall fail or refuse to be installed within the prescribed time, the Grand Master may grant a Dispensation to such lodge to elect or to install such officer or officers as the exigencies of the case may require.

The Grand Lodge has approved the following explanatory decisions in regard to elections and installations in lodges :

25. That where officers of a lodge were irregularly chosen through inadvertence, their subsequent regular installation, at a Stated Communication, without objection, corrected the error. (Decision of 1859 renewed.)

29. That a lodge must be summoned for the annual election of officers. A Master refusing to summon the lodge for that purpose is liable to discipline, and if the election be held at a meeting to which the members are not summoned, it may be set aside for irregularity.

35. That a Master of a lodge should be installed after each reelection.

36. That it is irregular to install a Master-elect

over a lodge previous to his being put in possession of the secrets of the chair.

37. That a member of a lodge may be installed by proxy in any office, of which he has signified his acceptance, except that of Master, in the discretion of the installing officer. An installation by proxy is rendered valid by any subsequent act of the brother thus installed which would tend to show his acceptance of the office.

38. That the ceremony of Installation must be performed by an Actual Master or Past Master of a lodge.—*Trans.* 1875, pp. 32, 33.

#### ARTICLE IV.

##### QUALIFICATION FOR OFFICE, AND VOTING, AND OF DISFRANCHISEMENT.

§ 9. Every member of a lodge in good standing is entitled to vote; *provided*, however, that a lodge may enact and enforce a By-Law which will disfranchise a member, at an election of officers, for non-payment of dues. Every voter is eligible to any office in the lodge except that of Master.

We take occasion here to remark that in no other State within our knowledge is there such a law in existence, and yet it commends itself to approval for its eminent fairness, and because it is a distinct recognition of the principle that the payment of dues is a contract between a lodge and its members—the lodge agreeing to protect the member in his rights and privileges, conditioned that the member shall punctually pay his dues or show satisfactory cause why they should be re-

mitted or further time be granted; and, secondly, that the election of officers of a lodge being a purely family matter, each lodge ought of right to have, and in fact does have the right, to make such regulations concerning both points as a majority of its members may agree to. Hence, while the Grand Lodge may fix limits beyond which a lodge may not go, either in the matter of dues or elections, it is clearly in the interest of the Craft that each lodge or family should be allowed to regulate its own domestic affairs.

§ 10. No member can be a Master of a warranted lodge unless he has previously served as an installed Master or Warden, except at the institution of a new lodge.

The source of this regulation will be found in the fourth of the Ancient Charges, which, it will be seen, requires that the brother chosen Master of a lodge must have previously acted as Warden. The proposition to waive this rule in the case of new lodges first appeared in 1738, and has now become a settled law. We none the less doubt its wisdom, on the ground that a new lodge needs an experienced brother at its head quite as much as an old one.

§ 11. Membership in a lodge is necessary to constitute eligibility to office therein, except in case of a Tyler, who must be a member of some lodge, but need not be a member of the lodge for which he tyles.

It is of no consequence, perhaps, but we protest against the modern spelling of the word *Tiler*. Our first Cerberus spelled it with a *y*, and if we had our way it should never be changed.

## ARTICLE V.

### RESIGNATIONS, VACANCIES IN OFFICE, HOW AND WHEN SUPPLIED.

§ 12. Neither Master nor Warden can resign, and every installed officer shall hold his office until his successor shall have been installed, unless his office become vacant, as provided in the next section.

§ 13. A vacancy in office in a Lodge can only occur :

1. By death.
2. By resignation of another than Master or Warden.
3. By election and installation of the holder of such office to fill another office in the Lodge.
4. By expulsion, or by suspension for a time extending beyond the next annual election, or by removal from office.

§ 14. A vacancy in an elective office, except that of Master or Warden, may be filled by ballot at any Stated Communication upon full notice to the members. A vacancy in an appointed office may be filled at any time. In case the offices of Master and Wardens become vacant, an election can be held only by virtue of a Dispensation from the Grand Master, which is without fee, and must be applied for by two-thirds of the members present, to be so certified by the Secretary; and in

case such election be held, the members shall be summoned as for an annual election, and its result shall be immediately reported to the Grand Secretary, and the officers dully installed.

The provisions of this article are to be understood as applying to warranted lodges only.

## ARTICLE VI.

### PROXY REPRESENTATIVE OF LODGE IN GRAND LODGE, HOW AND WHEN CHOSEN.

§ 15. A Lodge may, at a Stated Communication thereof, within the restrictions of Section 13 of the Constitution, by a majority vote, appoint a proxy to represent it, in the absence of its Master and Wardens, at the next succeeding Annual Communication of the Grand Lodge.

This will be taken as the acceptance by the Grand Lodge of the principle of lodge instead of individual representation, and calls our attention to the fact that the certificate must issue from the lodge and not from an individual officer thereof.

26. The presence of the Master of a Lodge as a representative at a session of the Grand Lodge vacates any proxy given by the lodge for that purpose.—*Trans.* 1876, p. 31.

## ARTICLE VII.

### BY-LAWS OF LODGE—POWER TO MAKE, AND WHAT TO CONTAIN.

§ 16. A lodge has full power and authority to enact By-Laws for its own government, in conformity to the Constitution of this Grand Lodge and

the principles of Masonry, and any By-Law inconsistent therewith is absolutely void.

§ 17. A lodge may, at a Stated Communication, when summoned for the purpose, and on notice, tax or assess its members for strictly Masonic purposes, but for no other.

Questions frequently arise touching the right of lodges to levy assessments, the difficulty generally being that whatever the cause leading a lodge into debt, the cure is always sought in an assessment. When we reflect that furnishing or refitting Lodge Halls, costly regalia, excursions, banquets, etc., are not *strictly* Masonic purposes, there will be little trouble in rightly understanding the law.

The Grand Lodge decides :

5. A lodge may levy assessments only on extraordinary occasions, and when so levied it is not (so have been the decisions) to be regarded as dues. A failure to pay such an assessment is a failure to perform a Masonic duty, punishable on charges and by trial.—*Trans.* 1876, p. 29.

50. Where a lodge passed a By-Law, which prescribed that "a brother, who shall have been a faithful member of his lodge in good standing for ten years consecutively, shall be a privileged member, entitled to all benefits of the lodge, by paying Grand Lodge dues only," and a member of the lodge had complied with all the provisions of said law, after which the lodge rescinded the By-Law. Held that the brother could not be compelled to pay dues to his lodge other than Grand Lodge dues.

This applies only to annual dues and not to other



extraordinary assessments for Masonic purposes.  
—*Trans.* 1875, pp. 34, 232.

6. An amendment was offered to the By-Laws of a lodge. Under those By-Laws it was “offered in writing, read before the lodge and laid over for two weeks, and the members notified of the pendency of the amendment.” At the communication to which it is laid over it is properly before the lodge for action. The writing, reading, laying over, and notification of members were all for the purpose of preventing surprise or hasty action. At the subsequent meeting it may be thoroughly discussed and modified in any particular, not in conflict with the *general intent* of the notice previously given. For instance, if an alteration of the By-Laws of a lodge is proposed, fixing the dues at a certain amount, it is competent for the brethren on the night when action is to be taken (under the provisions above stated) to *reduce* or *increase* the amount named in the original amendment, without further delay or notice to the brethren. It is a fair presumption that “opportunity for reflection” was afforded in the first instance, and that the brethren having had notice of the proposed change have studied the subject in all its bearings, and are prepared, when they come to act on the proposed amendment, to discuss:

*Firstly*, Whether an alteration of the law should be made; and,

*Secondly*, The best change to make, and to settle the matter then and there.—*Trans.* 1876, p. 29.

## ARTICLE VIII.

### VISITATION OF LODGES BY BRETHREN REGULATED.

§ 18. No visitor can be admitted into any lodge without due inquiry and satisfaction as to his good

Masonic standing; nor can he be admitted if his admission will disturb the harmony of the Lodge or embarrass its work.

## ARTICLE IX.

PRECEDENTS OF LODGES, CHANGING LOCATION, SEAL, AND BOOKS, AND PENALTY FOR FAILURE TO WORK FOR ONE YEAR.

§ 19. Lodges shall take precedence according to the order in which they stand upon the Roll of the Grand Lodge.

§ 20. A lodge may not remove its place of meeting from the town, village, city, or portion of a city named in its warrant, nor from one place to another in such town, village, city, or portion of a city, without a concurrent vote of two-thirds of the members present, and voting at a Stated Communication, to attend which they shall have been required by a summons, served at least ten days previously, stating the subject to be acted upon at such Communication. The removal of a lodge from the town, village, city, or portion of a city named in its warrant must receive the sanction of the Grand Lodge previous thereto.

§ 21. Every Lodge shall have a seal, and shall keep the following books, to wit :

A book of By-Laws, with the signatures of the members.

A Record Book of the proceedings of the lodge.

A Register containing the name of each member, his birthplace, age, occupation, residence, the dates of his initiation, passing, and raising or affiliation, and also the date of the termination or suspension of his membership, with the cause thereof, as the same may occur.

An alphabetical list of expulsions, suspensions and rejections.

Such books as may be necessary to present clearly the receipts and accounts of the Treasurer and Secretary.

It shall also be the duty of the lodge to keep, with the lodge books, a Book of Constitutions and Statutes of the Grand Lodge, to which shall be added, from time to time, all alterations duly adopted by the Grand Lodge. It shall also be the duty of the lodge to preserve in its archives a copy of the proceedings of the Grand Lodge, as published from year to year.

§ 22. Every lodge shall meet at least once in each year, and the neglect of a lodge to hold any meeting for one year, or to make returns and pay dues for two years successively, shall subject it to forfeiture of its warrant, and a lodge neglecting to pay its annual dues shall not be entitled to be represented in Grand Lodge.

The requirement that each lodge shall keep in its archives a copy of the proceedings of the Grand Lodge as published from year to year is, we are sorry to say, very generally neglected, to the great detriment of the lodges and the Craft. Every lodge should not only have a complete file but should have the different pamphlets bound in orderly volumes for convenient reference.

## ARTICLE X.

### CHARITY—RIGHT TO, AND HOW FURNISHED.

§ 23. All members of lodges in good standing, their wives, widows, and minor children have a

right to charitable relief from such lodges upon presenting satisfactory evidence of their Masonic character or relations, and that they are in necessitous circumstances.

§ 24. If a claim for charitable relief be made upon the funds of a lodge, when not in session, the Master and Wardens shall be a Committee to examine the same, and they shall be authorized to draw upon the funds of the lodge to an amount not exceeding the amount specified in the By-Laws for present relief.

Although this article refers only to actual members of lodges or those claiming through them, there is still an inherent discretion in lodges to extend relief to the unaffiliate, based on a law with which no written Constitution can interfere.

## ARTICLE XI.

LODGES NOT TO DIVIDE FUNDS, NOR TO ALLOW INTOXICATING LIQUORS, NOR WORK CLANDESTINELY, OR ON SUNDAY.

§ 25. No lodge shall distribute its funds among its members, nor introduce intoxicating liquors within its lodge-room, or any room adjoining, nor countenance or permit clandestine lecturing, nor meet for Masonic labor other than in the burial of a Mason on the first day of the week, commonly called Sunday.

## ARTICLE XII.

INSIGNIA OF LODGE OFFICERS.

§ 26. The jewels of the officers of lodges are to be of silver or white metal; the color of their

aprons to be of white, except as otherwise specially ordered or allowed by this Grand Lodge.

### ARTICLE XIII.

#### MASONIC DUTY VIOLATED IS AN OFFENSE.

§ 27. When a duty is imposed its neglect or violation, without excuse, shall be considered an offense against Masonic law.

Section 27 is somewhat loose in construction, and a shining example of legislation for the mere sake of doing something. Abstractly the sentiment is correct; but if it were put into practical effect, our lodges would have but little other occupation than trying their members.

### ARTICLE XIV.

#### MASTER'S DUTY—VACANCY IN HIS OFFICE, HOW FILLED—POWERS AND DUTIES OF ONE ACTING AS—NO APPEAL FROM THE CHAIR.

§ 28. The Master of a lodge has power:

1. To congregate the members of his lodge upon any emergency.
2. To issue summonses.
3. To discharge all the executive functions of the lodge; and,
4. To remove any appointed officer for just cause.

§ 29. In the case of the death, absence, or inability of the Master, or a vacancy in his office, the Senior and Junior Wardens will, in succession, succeed to his prerogatives and duties for all pur-

poses, except such as pertain to the installation of the officers.

§ 30. From the decision of the Master, or Warden presiding in the absence of the Master, there shall be no appeal except to the Grand Master or Grand Lodge.

This enumeration of the powers of the Master of a lodge is necessarily general in its character, but careful reflection will show that one or the other of its clauses is the basis for almost every act required of the Master. This is not the place for a dissertation on the subject; but if we were required to add anything to the article, it would be that: "It is the duty of the Master to make himself thoroughly acquainted with the Constitution, Statutes, and legislation of the Grand Lodge, to the end that, the case requiring, he may be able to give the Craft in his charge good and wholesome instruction."

Touching the powers of the Master, the Grand Lodge has decided:

30. That the Master has a right, and it is his duty, to exclude from the lodge a brother who by his perverseness or contumacy may interfere with the proper working of the lodge or disturb its harmony.—*Trans.* 1875, p. 32.

65. That the Master of a lodge was justified in suspending a Tyler, who was temporarily unfitted for the performance of the functions of his office by intoxication. It does not matter that the Tyler was elected under the By-Laws of the lodge. The Master's obligations to the Craft approved the exercise of a very necessary prerogative.

66. That the Master of a lodge has a right to *one* vote on any question brought before his lodge. He may vote in the original count, or to determine a tie vote, but may not exercise the privilege in both instances on the same question.—*Trans.* 1875, p. 35.

26. That it is competent for a Master to refuse to confer a degree upon any candidate until such time as in his judgment it will be wise to do so.

39. That a lodge, having been illegally opened by a Past Master, in the absence of the Master and Wardens, could not transact business of any kind after either of said officers had entered, without being again and regularly opened. That the conferring of the 3d degree in Masonry, under such circumstances, was illegal, and that it will be necessary again to confer said degree on the brothers before they can be acknowledged as regularly made Master Masons.—*Trans.* 1875, p. 32.

## ARTICLE XV.

### TREASURER'S DUTIES.

§ 31. It shall be the duty of the Treasurer of a Lodge:

1. To receive from the Secretary all moneys paid into the lodge.
2. To keep a just and regular account thereof; and,
3. To pay them out by order of the Master and consent of the brethren.

## ARTICLE XVI.

### SECRETARY'S DUTIES.

§ 32. It shall be the duty of the Secretary of a Lodge:

1. To record the proceedings of the lodge. under the direction of the presiding officer.
2. To receive all moneys paid into the lodge and pay the same to the Treasurer.
3. To keep a register of the members of the lodge, with a permanent number affixed to each name, corresponding with the return for registry required by the Grand Lodge.
4. To register alphabetically, in a suitable book, all expulsions, suspensions, rejections, and restorations communicated by the Grand Lodge.
5. To report immediately to the Grand Secretary (in case of all lodges within the cities of New York and Brooklyn) the name, age, occupation, and residence of every rejected candidate for initiation; and in every other city or town, where there is more than one subordinate lodge, he shall furnish all other lodges in the same city or town the same information, under the seal of the lodge.
6. To make an annual return to the Grand Secretary of those who have been initiated, passed, and raised, with the dates thereof, and of such other matters as may be required by the Grand Secretary.
7. To transmit, immediately after every election, a certificate of the names and residences of the officers elected to the Grand Secretary and to the District Deputy Grand Master of the District in which the lodge is located.
8. To make a full and correct return annually to the Grand Lodge of all who were members of the lodge on the first day of May in each year, which return shall be trans-



mitted to the Grand Secretary on or before the 15th day of May in each year.

9. To make a full and correct return annually to the District Deputy Grand Master of the condition of the lodge on the first day of May, and in the form prescribed by the Grand Lodge, to be transmitted on or before the 5th day of May.
10. To report immediately after the expulsion or suspension of a member by the Lodge the same to the Grand Secretary, with the cause of such expulsion or suspension.
11. To certify and affix the seal of the lodge to all returns and certificates of election made to the Grand Lodge, and to the District Deputy Grand Master; and,
12. To attest the official signature of the Master to all other Masonic documents, when necessary.

The foregoing enumeration of the duties of Secretaries is full and explicit, and every brother accepting the office should make himself conversant with those requirements, and conscientiously endeavor to fulfill them.

## ARTICLE XVII.

MINUTES, KEEPING AND APPROVAL OF, AND NOT TO BE CHANGED.

§ 33. The minutes of a communication shall be read and corrected (if necessary) and approved by the lodge before it is closed, and such proceedings shall be submitted to the Grand Lodge whenever required, and having been approved cannot be altered or expunged.

We call attention to this article which concisely but clearly states a general, but not always well understood, law of the Craft. First, it will be noticed that at every communication the minutes are to be read and corrected (if necessary) in the presence of those who have assisted to transact the business of which they are the record; and, secondly, that when the minutes have been read and approved by the lodge, they are to stand as the official record, and can neither be altered nor expunged.

There is one fact in connection with the minutes that has been stated time and time again, and yet appears to be commonly overlooked, namely, that approving the minutes does not give sanction to that which is illegal in itself; or, in other words, an illegal act does not become legal because it is recorded in the minutes and the record is approved. The vote of approval simply certifies that the Secretary has presented a correct history of what has been done, but does not and cannot enter into the merits of the proceedings. For this reason the minutes cannot be expunged, because that process would not alter the fact that the proceeding expunged had taken place, and been correctly recorded at the time. Even an admitted error subsequently discovered, must stand as recorded and approved; but a correct entry may be made in future minutes, with marginal reference opposite the original entry referring to the correction.

The following Grand Lodge decisions refer to and corroborate the views here expressed :

23. The minutes of every Communication, whether regular or special, should be read and approved before the lodge is closed.

24. The minutes of a lodge having been approved may not be altered ; but a minute may be ordered and made at a subsequent Communication in the proceedings of said Communication, explaining or correcting the errors of record of the previous Communication.—*Trans.* 1876, p. 31.

## ARTICLE XVIII.

### OFFICERS OF LODGE GENERALLY.

§ 34. The officers shall be subjected, in all things relating to their official duties, to the direction of the Master or presiding officer.

## ARTICLE XIX.

### DISPENSATIONS FOR NEW LODGES, HOW AND WHEN ISSUED ; AND OF LODGES U. D.

§ 35. An elected officer of a lodge cannot be a petitioner for a Dispensation for a new lodge, nor can a member of a lodge under the jurisdiction of another Grand Lodge be a petitioner for a Dispensation for a new lodge in the State of New York.

§ 36. A lodge under Dispensation cannot elect or install its officers, nor discipline its members or others Masons, nor can it be represented in Grand Lodge, but it possesses all other powers and privileges, and must perform all the other duties of a warranted lodge, except that it need not have a seal.

§ 37. No warrant shall be issued to any number of Masons less than seven, nor unless they shall have given proof of their skill and ability by Work under Dispensation, which shall be certified by the Grand Lecturer or Assistant Grand Lecturer, and District Deputy Grand Master of the District in which the lodge is to be located; nor unless said Dispensation and an attested transcript of all the proceedings of such lodge, including a copy of the By-Laws thereof, shall have been delivered to the Grand Lodge, nor unless they shall show that, as a lodge under Dispensation, they are clear of all indebtedness, and that they have secured and prepared a suitable and safe place for meeting as a lodge.

§ 38. All brethren, members of or attached to a lodge under Dispensation at the time of the expiration of the Dispensation, shall be deemed to continue such relation thereto, and be members of or attached to said lodge whenever and as soon as said lodge shall be duly warranted and constituted.

§ 39. A lodge under Dispensation must pay Grand Lodge dues of its members.

§ 40. All Dispensations to form new lodges expire on the 15th day of May in each year.

Setting aside all argument as to the nature and powers of lodges under Dispensation, because abstractions and theories must fade before the positive letter of the law, we call attention to the plain injunctions of Article XIX., as in connection with Section 53, of the Constitution, setting out in unmistakable language the terms on which new lodges can be founded in this jurisdiction.

To Section 36 may be added, that the officers of a lodge under Dispensation may resign, because they have neither been elected nor installed, but only appointed by the Grand Master, hence he may, if he think proper, accept resignations and make new appointments.

It may be well also to bear in mind that a lodge under Dispensation when applying for a warrant, must in addition to the certificates of the Grand Lecturer and District Deputy as to proficiency, be able to show that it is clear of all indebtedness, and again in Section 38, that a member of a lodge under Dispensation desiring to resume membership in his former lodge must do so before the expiration of the Dispensation, otherwise he will be held to be a member of the new lodge and his former membership will be forfeited. The safest way to do this is to furnish the Secretary of the new lodge with a declaration to that effect in writing, over the signature of the brother who desires to withdraw to his former affiliation. (Consult Sec. 43.)

## ARTICLE XX.

FULL MEMBERSHIP IN ONLY ONE LODGE, AND OF HONORARY MEMBERSHIP, HOW ACQUIRED, AND RIGHTS OF.

§ 41. No Mason shall be a member of two lodges at the same time; provided, however, that a lodge at a Stated Communication, and by unanimous ballot, upon a proposition received at the previous Stated Communication, may confer honorary mem-

bership upon any Master Mason who, at that time, shall be a member in good standing of some warranted lodge; but an honorary member of a lodge shall not vote therein.

Although honorary membership is but a compliment, it will be seen that the form of conveying it is the same as for affiliation, and it may be well to prevent misunderstanding to say that an adverse ballot simply refuses membership without affecting the standing of the brother intended to be honored. The Grand Lodge has decided:

The honorary membership in a lodge depends entirely on active membership in some other lodge. It carries with it no rights or privileges in the lodge wherein it is conferred and imposes no duties. If the honorary member gives up his active membership, he is subject to the disabilities of an unaffiliated. His honorary membership is virtually held in abeyance until he is again affiliated.—*Trans.* 1875, p. 34.

That an honorary member of a lodge has not the right to visit said lodge, when a member of it objects to such visit.—*Trans.* 1875, p. 233.

## ARTICLE XXI.

### PENALTIES FOR UNAFFILIATION.

§ 42. One who shall remain an unaffiliated Mason within this jurisdiction one year or more shall not be allowed to visit any lodge, or join in a Masonic procession, nor be entitled to receive Masonic relief or burial.

This article has been the subject of a good deal of animadversion and bad feeling, but we are free

to confess that in its present shape we are unable to see on what ground any reasonable objection can be offered. By its terms the non-affiliate is given one year from the time of his unaffiliation to visit and select a lodge with which he can work in harmony, and surely in that time the most difficult to satisfy ought to be able to make a choice. Failing to choose in the time designated he is still free to apply for affiliation in any regular lodge, and meanwhile ought not to complain at the loss of privileges due to those who contribute to the support of the Institution in preference to those who do not. The right to relief or burial is not denied, but left in the discretion of the lodges, and they have never shown any disposition to refuse either under proper circumstances.

## ARTICLE XXII.

### EFFECT OF PETITIONING FOR DISPENSATION.

§ 43. If a member of a warranted lodge join in a petition for a Dispensation to form a new lodge, and such Dispensation be granted, his membership in such warranted lodge shall be in abeyance until the expiration of the Dispensation; unless before that time he shall have resumed full membership in the warranted lodge by withdrawing from the new lodge. If he shall not have withdrawn from the new lodge before the expiration of the Dispensation, and the new lodge shall not be continued by a warrant, his membership in the first above mentioned lodge shall be resumed. (Refer to Section 38.)

## ARTICLE XXIII.

APPLICATIONS FOR AFFILIATION, DIMISSION, AND  
WITHDRAWAL—HOW AND WHEN GRANTED AND  
EFFECT.

§ 44. A member of a lodge may present his application to another lodge for affiliation therein, and such last mentioned lodge may receive the application, and refer it to a Committee of Investigation, and upon the report of the Committee, take a ballot, and if thereupon such application be accepted, the brother shall become a member of the lodge so accepting him, when it shall receive a certificate that such brother has been regularly discharged from membership in the first mentioned lodge.

§ 45. No member shall be permitted to dimit from the lodge of which he is a member until he shall present a certificate from some warranted lodge that he has petitioned for membership therein: on presentation of such certificate, and upon the written request of the brother, the lodge, at a Stated Communication shall, if the member is not an elected officer of or indebted to the lodge, or under charges, issue a certificate of dimit, which shall not be delivered to the brother, but shall be transmitted by the Secretary of the lodge, to the lodge from which such certificate of petition came; which dimit shall not become operative, or the brother's membership in the lodge issuing the dimit terminated, until notice has been received that the brother has consummated membership in the other lodge. *Provided*, that when any member shall be or become a resident of another Grand Lodge jurisdiction, a dimit may be granted to him direct, and without compliance with the foregoing provisions.



But any member of a lodge against whom charges are not pending, and whose dues and indebtedness to the lodge are paid, may withdraw from membership by presenting a written application therefor, at a Stated Communication. The lodge shall grant the request of the brother by dropping his name from the rolls, and his membership shall thereby be terminated, and he shall be subject to the disabilities of an unaffiliated Master Mason: *Provided*, however, that an elected officer cannot withdraw.

The object of the regulations contained in this article is, if possible, to decrease the tendency to non-affiliation; to facilitate change of membership and to break up the evil arising from persons claiming Masonic status, by virtue of a certificate of dimit. How far the attainment of these objects may be reached is a question requiring time for its solution. It can hardly be disputed that it is a new departure; still, if found beneficial in the main, the Craft will sustain it, especially as it is provided that a brother removing to another jurisdiction is not affected by its provisions, and that one determined to drop his membership any way, must be allowed to do so, he thus subjecting himself, voluntarily, to the provisions of section 42. He is, however, entitled to the benefit of the following decisions of the Grand Lodge, on the subject:

1. That citizenship is not requisite to Masonic affiliation.
2. That Sections 50 and 51 of the Statutes have

reference to candidates for initiation and advancement. A member of a lodge, or an unaffiliate, has a right to present an application for affiliation to any lodge recognized as regular by this Grand Lodge, without limitation of time or locality.

3. That it is not necessary, on an application for affiliation, to require the questions provided for in Section 49 of the Statutes to be propounded.

4. That Article XXIII., Section 45, of the Statutes, does not, by its provisions, prevent unaffiliates from affiliating. It is intended to prevent the granting of dimitts to the individual brother.

5. That a Master Mason in good standing is at liberty to affiliate with any lodge in this jurisdiction, without reference to residence, which will accept his application. It is the *duty* of a lodge, after receiving notice of a brother's petition for affiliation in another lodge, to forward his dimit to that lodge. That Section 50 of the Grand Lodge Statutes has reference only to jurisdiction over candidates for the degrees of Masonry.

6. That the rejection of an application for affiliation confers no jurisdiction on the lodge so acting, and it is not necessary for the Secretary of the lodge to notify other lodges of the fact.

7. That a brother who has been dropped from the roll of a lodge at his own request may be received as an affiliate by any lodge in this jurisdiction.

8. That if an applicant for affiliation has lost his dimit, the lodge to which he applies must satisfy itself in a reasonable way that no other lodge has a claim upon him, and it may then receive him in the ordinary way. For any concealment or misrepresentation made at the time of application the petitioner may be disciplined.

9. A brother who has lost his dimit, granted before the adoption of the present Constitution, is entitled to a duplicate dimit, said duplicate to be dated as of the time when originally granted.

10. That where a brother's name is dropped from the roll of a lodge at his own request, it is proper that a certificate to that effect should be given the brother, simply stating the fact.—*Trans.* 1875, p. 30.

1. A brother who received a dimit under the "old Constitution," and now wishes to join a lodge, may be proposed in the way provided in Section 52 of the Statutes. If rejected, he may *immediately* apply to the same lodge. Every time the application is made it must be referred to a committee for investigation under said section.

2. As the election or rejection of an application for affiliation does not give a lodge control over the applicant, he may withdraw his application after it has been presented, referred to and reported on by the committee.

18. An expelled Mason is Masonically dead. When restored, it is to Masonic life. He has no more to do with the lodge from which he was expelled than with any other lodge after restoration. To affiliate, he must make application in the regular form for that purpose and may apply to any lodge.—*Trans.* 1876, pp. 29, 30.

## ARTICLE XXIV.

NON-PAYMENT OF DUES—PENALTY FOR—HOW DUES ARE AFFECTED BY UNAFFILIATION OR SUSPENSION.

§ 46. A lodge shall have the power to enact a By-Law which shall provide a penalty for the non-payment of lodge dues, which penalty shall be un-

affiliation; but such penalty shall not be inflicted except for the non-payment of at least two years' dues. Any such unaffiliated brother may be restored to membership by a majority vote of the members present, and voting at a Stated Communication; *provided*, he shall have paid the amount due at the time of such restoration.

The following is the construction of the Grand Lodge on this section:

3. When a member of a lodge has been summoned, under a By-Law enacted in accordance with Article XXIV., Section 46, of the Statutes, to pay his dues, he must, to avoid unaffiliation, tender the whole amount of his indebtedness.

4. A brother unaffiliated for non-payment of dues, under the present Constitution, has a right to visit from one year from the date of his unaffiliation. His dues continue to accrue against him after such unaffiliation. He may be reinstated by a majority vote at any time, on payment of the amount charged against him on the books of the lodge, under a By-Law framed in accordance with Section 46 of the Statutes.—*Trans.* 1876, p. 30.

11. That charges may be preferred in a lodge against a brother who has been declared unaffiliated by reason of non-payment of dues.

12. That in order to unaffiliate a member for non-payment of dues, a lodge must act under a By-Law passed in accordance with the sections of the Constitution and Statutes of Grand Lodge, for that purpose made and provided.—*Trans.* 1875, p. 30, and 232.

13. A brother was "stricken from the roll" of lodge A, in 1856, for non-payment of dues. At the expiration of one year thereafter he became

ERRATA.—After the word “dues,” on third line, page 86, *read*, “nor until the brother shall have been duly summoned, thirty days previous, to pay said two years’ dues.”



entirely unaffiliated, by operation of law. Lodge A lost all claim on him, except for the amount of his indebtedness, and he lost all the claims of membership on said lodge. He might at that time (1857) have paid his debt, taken a receipt in full, and made application to any lodge for affiliation, without reference to his former relations to lodge A. What he might have done then, he may do with equal right to-day. It is not necessary for him to apply for restoration in lodge A, before applying for affiliation in any other lodge. He must pay to lodge A the amount due at the time he was unaffiliated, take its receipt therefor, and he may then make application for membership and be affiliated in any lodge.

While on this subject let us proceed one step further. If the brother desire to resume his membership in lodge A, his petition must be treated in every respect as that of any petitioner for affiliation. The lodge having collected from him the amount of his debt, must refer his petition to a committee for investigation; on the reception of the report of that committee a ballot must be spread; his acceptance will depend on the *unanimity* of the ballot; and lodge A will be entitled to the affiliation fee prescribed by its By-Laws.

To put an interpretation on Section 46 of the Statutes inconsistent with the above view would be to give the section such retrospective force as would be inequitable, and consequently, not within the proper scope of any constitutional provision.

The obligation of the brother to pay dues was in the nature of a contract with the lodge; a breach of this contract on the part of the brother justified the lodge in afflicting a penalty for its non-performance, that is, striking his name from the roll of members. Now, to give a meaning to any provision of the Grand Lodge Constitution, which

would, at this late day, disturb the *hitherto settled* relations of the brother with lodge A, or alter or increase the amount of his indebtedness to lodge A, *hitherto fixed and determined*, would be repugnant to every principle of justice, and contrary to every precedent heretofore established in our Grand Body. But it does not seem that the language of Section 46 of the Statutes is at all equivocal or doubtful in meaning. It looks entirely to the future. It differs in almost every particular from the former provision on the subject. It permits the infliction of the penalty for *two years' dues* instead of one; it requires that the brother shall be *summoned* to pay his dues *thirty days previous* to the act of the lodge unaffiliating him; it then provides that "any SUCH unaffiliated brother may be *restored* to membership by a majority vote," etc. The plain significance of the section is: that a brother who, under the present Constitution, shall, at any time *after its* adoption (June, 1873), fail to pay two years' dues, may, under certain restrictions, be rendered an *unaffiliate*, and that "ANY SUCH" *unaffiliate* may be restored, in the manner and under the conditions contained in Section 46 of the Statutes.—*Trans.* 1875, p. 31.

§ 47. A lodge shall not be liable for Grand Lodge dues for a member unaffiliated for non-payment of dues until restored to membership.

§ 48. Suspension, after due Masonic trial, shall not relieve the member from payment of lodge dues, or the lodge from Grand Lodge dues.

Section 48 is founded upon the fact that in this jurisdiction, suspension is always for a definite time (see Section 76), and hence it does not destroy membership, but only puts it in abeyance during the period for which the derelict brother is sus-



pended. At the end of such term he resumes his rights and privileges, and, hence, the law requiring his dues to continue.

## ARTICLE XXV.

PETITIONS FOR INITIATION, REQUISITES OF, AND FEES ON  
—LODGE JURISDICTION OVER CANDIDATES—DUTIES OF  
LODGES, OFFICERS, AND MEMBERS ON, AND ON WORK  
THEREON, OR ON DEGREES—FRAUD OR FALSEHOOD OF  
CANDIDATE, HOW PUNISHED.

§ 49. The following are the questions required to be answered by a petitioner for initiation :

What is your age?

Where born?

Where do you reside?

What is your occupation?

Have you resided in the State of New York the  
the twelve months last past?

Have you resided in the town, village, or city  
in which you now reside for four months  
last past?

Have you ever, to your knowledge or belief,  
presented a petition to, or been rejected  
in any Masonic lodge, and, if so, when  
and in what lodge?

Do you believe in the existence of one ever  
living and true God?

Do you know of any physical, legal, or moral  
reason which should prevent you from  
becoming a Freemason?

Consult Section 55 of the Constitution, which requires these questions to be answered in writing.

§ 50. The jurisdiction of a lodge over candidates extends over all persons residing nearer to it than

to any other lodge within this jurisdiction, except that if there be more than one lodge in a village or city, those lodges shall have concurrent jurisdiction, and except that lodges in the cities of New York and Brooklyn shall have concurrent jurisdiction.

§ 51. No lodge shall initiate any candidate who is a resident of the State of New York, unless he has been such resident for twelve months next preceding the application for such initiation, and for four months in the jurisdiction of the lodge to which he applies, without the consent of the lodge within the jurisdiction of which he last previously resided; and no lodge shall initiate any candidate who is not a resident of the State of New York without the consent of a warranted lodge, acting in accordance with the Constitution and laws (by whatever name such laws may be known) of the Grand Lodge under the jurisdiction of which such candidate resides; *provided*, however, this section shall not apply to seafaring men or persons in the United States naval or military service.

#### Decisions:

41. That a lodge which rejects a candidate for initiation cannot grant any *general* release of jurisdiction. It will act only on application of a lodge which shall have shown its willingness to accept the candidate.

42. That the jurisdiction of a lodge over candidates extends to a point half-way between it and the nearest lodge. Such point to be ascertained on an air line from lodge to lodge.

43. A candidate was rejected in lodge A. He removes to the village occupied by lodge B. After a constitutional time has elapsed, he applies for

initiation in lodge C, situated at a distance from his home. Held, that lodge C must obtain consent from lodges A and B, before said lodge C may initiate the candidate.

44. That where a candidate for initiation and advancement is balloted for and accepted by a lodge and afterwards petitions for initiation, is balloted for and accepted in another lodge having concurrent jurisdiction, he may elect to be initiated in either lodge. But, if a ballot is afterwards called for and the candidate is rejected in either lodge before his initiation in the other, he is thereby estopped, and the lodge rejecting him obtains jurisdiction.

45. The removal of a lodge "*within its jurisdiction*" is an impossibility, except in the case specially provided for in the Statute of Grand Lodge; for as soon as a lodge has *legally* removed its place of meeting from one village to another its jurisdictional limits are altered.

46. "Does a candidate rejected in a lodge, and afterwards released from its jurisdiction, come under the jurisdiction of the next nearest lodge, or is he at liberty to send in his petition to any lodge he chooses?"

The subject of jurisdiction of lodges over candidates involves the consideration of two questions:

I. What gives a lodge jurisdiction over a candidate?

II. How may a lodge not having original jurisdiction over a candidate, obtain jurisdiction?

In the examination of the first question we are to be governed by the provisions of Article XIII., Section 56 of the Constitution, and of Article XXV., Sections 50 and 51 of the Statutes of Grand Lodge.

The meaning of Article XIII., Section 56 (Constitution) is too well understood to need comment

here. Take it in connection with the two Sections of the Statutes referred to, and we determine the method of obtaining jurisdiction at the outset.

We find that the candidate must,

*First.*—Reside within the territorial jurisdiction of the lodge which accepts him. (See Section 50, Statutes.)

*Second.*—He must have resided within that territory a certain length of time. (See Section 51, Statutes.)

*Thirdly.*—He must satisfy the lodge to which he applies that he has not been previously rejected. (See Section 56, Constitution.)

These three requirements determine the jurisdiction of a lodge over candidates in the first instance.

In reference to the second question, viz. : How may a lodge not having original jurisdiction over a candidate, obtain jurisdiction?—the Constitution and Statutes point out but *one way*, and that is, by receiving permission from the lodge having jurisdiction at the time the candidate's application is made.

Here let it be observed, that a lodge can relinquish its jurisdiction over a *rejected* candidate in either of two cases :

*First.*—Where, having original jurisdiction, it rejects him, and then grants permission to another lodge, making application therefor, to initiate and advance him.

*Second.*—Where, having once rejected a candidate, the lodge afterwards elects him, and he then petitions another lodge having concurrent jurisdiction, is accepted, and he decides to take his degrees in the second lodge. In this case the jurisdiction is lost by force of law.

The conclusion of the whole matter seems clear : That a candidate rejected in a lodge having territorial jurisdiction over him at the time of rejection, remains under the jurisdiction of that lodge, until consent is given to some other lodge, which has accepted his petition, to confer the degrees of Masonry upon him. This consent may be given to *any lodge*, in whose jurisdiction such candidate resides at the time of such application. The rejection of a candidate in a lodge, does not bar the right of another lodge to receive his petition and to spread a ballot thereon : it simply qualifies and limits the right to confer the degrees of Masonry upon him, until consent is obtained. In this connection, it might be well to add, that the rejection of a candidate by a lodge not having jurisdiction over him at the time of his application, will not operate to prevent another lodge from accepting him and making him a Mason.

51. That there is no provision in the Constitution or Statutes, under which a lodge can claim jurisdiction over material, passed and raised in said lodge at the request of another lodge, but the brother is to be considered a member of the lodge which received his petition and initiated him.—*Trans.* 1875, pp. 33 and 232.

§ 52. A petition for initiation or affiliation cannot be received by a Lodge except at a Stated Communication, and when received it shall be referred to an Investigating Committee of not less than three members; and no report of an Investigating Committee shall be received until at least two weeks after such petition shall have been referred.

§ 53. A petition for initiation, after having been rightfully presented and referred, cannot be with-

drawn, but must be acted upon by report of Committee and a ballot; and an adverse ballot cannot be reconsidered under any circumstances in less than six months thereafter, and then only on a new petition of the candidate.

A petition wrongfully presented and referred must be returned as soon as the error be discovered.

Various causes of error may arise in the matter of petitions either of which becoming known to the lodge would make it improper to proceed. As for instance, where the petition has not been signed by the applicant in person as required by Section 55 of the Constitution. (This Section [55], it may be remarked in passing, settles the question about which there has been some demur that in this jurisdiction a candidate for initiation must be able to read and write.) Or where it is discovered that the candidate does not live in the jurisdiction of the lodge, or is physically imperfect. In either of these cases the petition is wrongfully presented and, in the language of the Section, must be returned as soon as the error is discovered.

§ 54. No ballot on a petition for initiation, passing or raising, or for affiliation, can be taken at any other than a Stated Communication, and unless the ballot be unanimous in favor of the petitioner he shall be declared rejected.

§ 55. Every member of a lodge present at any balloting therein for initiation, advancement, or affiliation, must vote.

§ 56. If at any time it shall be charged that a Mason made any misrepresentation to the lodge in

which he shall have been initiated, or to a Committee of Investigation appointed by such lodge, or used any concealment or deceit in relation to his initiation, he may be tried therefor, and if found guilty, may be punished by suspension or expulsion.

§ 57. No discussion upon the merits of a petitioner for initiation, passing or raising, shall be allowed in the lodge. (*See Section 65.*)

§ 58. The balloting on the petition cannot be postponed or adjourned, but when once commenced must be completed, and the result thereof be declared.

§ 59. A lodge shall not initiate, pass, or raise more than five candidates at one Communication, and shall not confer more than one degree upon a candidate in any one day.

§ 60. A lodge shall not confer the second degree or the third degree on the same candidate or candidates at a less interval than two weeks from the time of conferring the preceding degree.

The preceding Sections, 54 to 60 inclusive, do not need any comment other than to call the attention of Masters of lodges to their great importance as imperative rules that may not under any circumstances be set aside.

It may be remarked of Section 59, that the true intent and meaning is, that not more than five candidates can receive the same degree on the same day, but this would not prevent a lodge from initiating five persons, passing five others and raising five others on the same day if any brethren could

be found capable of the strain of such an amount of labor.

§ 61. No officer or other member of a lodge shall be permitted to procure the initiation or advancement of any candidate in any other lodge than that in which such candidate shall have been accepted.

This Section was adopted to put a stop to the practice formerly prevailing in the city of New York, and probably in other places, of taking a candidate to some neighboring lodge and having the degrees conferred on him. This was a loose and most unmasonic proceeding now happily obsolete, but there is nothing in the Section to prevent one lodge giving its consent to another to confer a degree or degrees when proper application is made. The spirit of this intention is evident from the following Section :

§ 62. No Entered Apprentice or Fellow Craft, initiated or passed in any lodge within the United States, shall be passed or raised in any lodge under the jurisdiction of this Grand Lodge, other than that in which he was initiated, unless the consent of the lodge in which he was initiated or passed shall have been obtained, provided said lodge continue in existence.

In this Section the right to give consent is distinctly recognized in the requirement that under certain circumstances it must be obtained.

63. No lodge shall make a Mason for a sum less than twenty dollars, nor upon credit.



34. That the fee referred to in Section 63 of the Statutes of Grand Lodge is for *initiation*, the whole amount of the fee is due at the time of initiation. A brother whose advancement has been stayed by the ballot, cannot, under any law of Masonry, claim a return of the fee or any part thereof.—*Trans.* 1875, p. 232.

64. No candidate shall be passed to the degree of Fellow Craft, or raised to the sublime degree of Master Mason, without proof of suitable proficiency in the preceding degree, ascertained from an examination by a competent brother in open lodge, or by a Committee appointed for that purpose.

§ 65. Any brother who shall in any way make known the kind of ballot cast by himself or another on an application for the degrees of Masonry, or any of them, or for affiliation, or if, after any such balloting as aforesaid, at which such application has been rejected, any brother shall in any way declare that he or any other brother cast a certain kind of ballot at such balloting, or shall declare that any specified or indicated number of white balls or ballots, or black balls or ballots, was cast at any balloting as aforesaid, it shall be deemed a Masonic offense, and such brother so offending may, on conviction thereof, be suspended for a period not exceeding one year. And, on a trial of a brother for any offense specified in this section, it shall not be permitted to prove the kind of ballot cast by any brother, nor the number of white balls or ballots, or black balls or ballots, cast at any such balloting.

Attention is specially invited to Section 65, which is violated, in spirit at least, more frequently than any other part of the Constitution. Discussion in the lodge upon the merits of a candidate is for-

bidden by Section 57, and Section 65 is in the same spirit in forbidding the discussion of the result of a ballot, or endeavoring to find out how or why a brother has voted in a supposed particular direction. Not only is all such investigation unlawful, but a brother is debarred from avowing the nature of his ballot, because to declare his vote would be to violate the inviolable secrecy of the ballot. That lodge will be nearest the law and the right in which there is a determination to accept the declared result of the ballot without hesitation or question.

## ARTICLE XXVI.

### CHARGES, TRIALS, AND APPEALS.

§ 66. After service of the charges against a brother, the Commission shall appoint a time and place for the trial convenient to the parties, and summon the parties and their witnesses; and any Master of a lodge may issue a like summons for witnesses at the request of either party.

§ 67. When the trial is concluded, the Commissioners shall, as soon as possible, make their report of the facts found by them, and their determination upon the matter, and give notice thereof to each of the parties, and a majority of the Commissioners must concur in the judgment of the Commission; a copy of which report must be filed with the Grand Secretary.

§ 68. The decision of the Commissioners shall be final, unless an appeal shall be taken therefrom to the Grand Master or Grand Lodge within six

months; in which case it shall be the duty of the Commissioners, upon receiving notice of such appeal, to transmit their report, together with all the papers and proceedings in the case, to the Grand Secretary, unless they have already filed a copy. The appellant shall also, within thirty days after notice of the decision, give notice of intention to appeal to the opposing party. The decision of the Grand Master shall be final, unless a further appeal be taken within thirty days after notice thereof.

§ 69. When notice of appeal to the Grand Lodge shall have been filed with the Grand Secretary, that officer shall immediately, or as soon as received, send to the Chief Commissioner all papers and reports having reference to the case, to the end that the Commissioner of Appeals may have time to examine the appeal in advance of the meeting of the Grand Lodge.

§ 70. The appeal shall be heard before the Commissioner of Appeals during the session of the Grand Lodge, and the decision of the Grand Lodge upon the report of said Commission shall be conclusive upon all parties.

§ 71. A warranted lodge shall have, with the Grand Lodge, concurrent jurisdiction over any unaffiliated Mason residing within its territorial jurisdiction, and original jurisdiction over any E. A. made or F. C. passed therein, and over any of its members except its Master; and when charges are preferred in a lodge, a Commission shall be appointed by the presiding Master, consisting of not less than three nor more than five members of the said lodge, to take testimony in the case and report the same to the lodge for its judgment. The decision of the lodge shall be final, unless an ap-

peal be taken therefrom to the Grand Master or the Grand Lodge, in the same manner as provided in Section 68.

§ 72. The expenses which may be incurred by the Commissioners in conducting a Masonic trial shall be borne by one or both of the parties to the controversy, as may be determined by the Commissioners and set forth in their report, and payment of such expenses may be enforced in the same manner as lodge or Grand Lodge dues, or by proper Masonic discipline.

§ 73. Charges against the Master of a lodge for official misconduct, while holding the office of Master, shall be presented to the Grand Master or the Grand Lodge only during the term of said Master, or within one year thereafter.

12. Section 73 of the Statutes, directing that charges for official misconduct against a Master shall be made during his term of office, or within one year thereafter, does not prevent a lodge from trying and punishing a brother for so grave an offense as the embezzlement of its funds, while holding the office of Master, on discovery of the crime. — *Trans.* 1876, p. 30.

§ 74. Charges preferred, which if proven would not constitute a Masonic offense, may be and should be dismissed by the lodge or officer before which the same may have been preferred.

The following decisions, approved by the Grand Lodge, relate to the subject of trials and appeals, referred to in Article XXVI., and the Code :

23. That if a brother, in a Masonic trial, is called on to testify as to facts, which have come to his knowledge in his confidential relation, as counsel,

it would be improper to require him to give evidence against his client. That if the facts, concerning which he is called to testify, came to the knowledge of the brother before he became counsel, or are entirely disconnected from his professional or privileged relations to the accused, there can be no reason why he should be excused from performing a duty incumbent on every brother, whatever his station in the Fraternity.

24. That where but one Commissioner at a Masonic trial is challenged by either party, it is the right and duty of the other Commissioners to try the challenge.

27. That a Masonic tribunal will not interfere to establish the civil rights of brethren, nor will Masonry allow itself to be made a convenient means, through which a creditor may collect what is due him from his Masonic debtor.

49. That the issues in a trial having once been fairly determined *upon the merits*, a lodge may not proceed to a new trial upon the same charges and specification, unless a new trial be granted upon appeal.

54. That the decision and sentence of a lodge in the trial of a brother, on charges, is always subject to appeal, and if the appellate officer, or commission, or body reverses the decision or sentence, the brother's status is as if the decision of the lower tribunal had not been rendered.

55. A Lodge may not reverse its own action after sentence has been pronounced, and while the accused is undergoing punishment, so as to prejudice his standing or rights.

56. That a lodge, having sentenced a brother to be reprimanded for a Masonic offense, has ex-

hausted its right to punish for that offense. The subject may not be judicially reviewed or reconsidered by the lodge. Only on appeal may the action of the lodge be reversed or set aside.

57. That, where the Commissioners, after the trial of a brother, charged with a Masonic offense, reported the accused guilty and recommended his expulsion, and an amendment was offered to change the penalty to suspension, it was the duty of the Master to take the vote of the lodge on the greater penalty first.

58. The confession by a brother of a Masonic crime, accompanied by a plea for mercy, does not in anywise entitle him to a milder punishment than the offense demands. In dealing with the offense, and determining the penalty, two things must be kept in view: 1. Charity for the brother who confesses a fault. 2. Duty to the lodge and the Craft in general.—*Trans.* 1875, pp. 33, 232.

14. *Question.*—If the majority of the members of a lodge are implicated in a Masonic offense, how can they be proceeded against, and can any Mason except a member of the lodge so offending, prefer charges?

*Answer.*—Charges may be preferred in such a case by any brother, and if the Master be implicated the District Deputy will appoint a Commission of Masters or Past Masters in the case of the Master, and of members of the lodge in case of the other offending brothers. If a majority of the members are charged, still let the complaint against them be preferred, tried, and if justice be trifled with, the Grand Master or Grand Lodge will remedy the wrong on appeal. In such a case the Grand Master would, perhaps, consider it his duty to suspend the warrant until the meeting of the Grand Lodge.

16. A Master of a lodge, or any member thereof, is liable to Masonic discipline for the violation of *any* moral law, or for an offense deemed criminal by the law of the land.

17. If a lodge refuse to receive charges against a member, an appeal will lie to the Grand Master who may order the lodge to receive the complaint and refer it for trial, unless he shall consider the charges to be improper, in which case he may refuse.

19. A Mason may be punished for offenses committed either against the Craft or against society, and during the period of punishment he is deprived of all his Masonic rights and privileges, but his obligations, once assumed, cannot be thrown aside. It is in this way that the expression "once a Mason always a Mason" is to be understood.—*Trans.* 1876, pp. 30, 111.

63. That an officer of a lodge, against whom charges are preferred, continues to hold his office, until, after due Masonic trial, a penalty has been decreed; and it will depend on the duration of the penalty, whether he may at any time resume his official functions. It is in the power of the Grand Master, if, on a presentation of charges, he shall deem it advisable for the interests of the Craft, to suspend such officer, until the issue shall have been determined.

60. That it is entirely improper, except by way of appeal, for a brother of a lodge to criticise the the action of his Master, or to seek to obtain from higher authority a reversal of a Master's action, without giving notice to the Master of his intention so to do, and either furnishing the Master with a copy of his communication to the reviewing officer, or sending the questions, concerning which

he seeks an opinion, through the hands of the Master; in this way giving him notice that his ruling is called in question.—*Trans.* 1875, p. 35.

13. No action a lodge may take can bar the right of a brother to appeal to the Grand Master or Grand Lodge. A sentence of *reprimand* should fix the time of execution at a date sufficiently remote to enable the accused to serve notice of appeal and to obtain, if possible, a stay of proceedings.—*Trans.* 1876, p. 30.

§ 75. All trials of charges preferred and appeals taken in pursuance of the provisions of the Constitution and Statutes shall be conducted, so far as the same may be applicable, in accordance with such rules and forms as may be adopted by the Grand Lodge.

The foregoing Sections (66–75) refer to the Code of Procedure (which see) and are therein explained at length. It is only necessary to add that the Code is mandatory, and that in case of trial its provisions must be strictly followed.

The copy which appears in this work is in strict conformity with the amendments adopted at the last annual communication of the Grand Lodge.

## ARTICLE XXVII.

### PENALTIES AND RESTORATION FROM.

§ 76. The penalties which may be inflicted for a violation of Masonic law shall be: *First*, reprimand or censure; *Second*, suspension from all the rights of Masonry, which shall be for a definite time; and, *Third*, expulsion.



§ 77. The Grand Lodge shall have power to restore an expelled Mason to the rights of Masonry after the expiration of one year from the date of the sentence.

§ 78. A lodge having expelled a member, may restore such expelled Mason to the rights of Masonry at any time and by a majority vote, notice of a motion to do so having been made at a preceding Stated Communication, and a lodge may terminate a definite suspension at any time. Provided, that such restoration shall not be made when the Grand Lodge shall have affirmed the decision on appeal.

It is be remembered that the restoration provided in Section 77 is, as therein expressed to "the rights of Masonry" and not to membership in the lodge from which the accused may have been expelled.

Suspension does not terminate membership, and hence if the Grand Lodge should terminate a suspension, membership in the lodge would be resumed.

The Grand Lodge has approved the following explanatory decisions :

33. That a resolution passed in a lodge, restoring an expelled brother, has no force beyond the declaration of the Constitution. It restores him to the rights of Masonry, but not to membership in his lodge. Thereafter he "stands as an unaffiliated Mason," and may be affiliated only on regular petition and by a unanimous acceptance.

64. That the provisions of the Constitution of the Grand lodge, adopted in June, 1873, have no

retrospective or retroactive effect, either to lessen or increase punishment inflicted before its adoption. It will be necessary for a lodge to act on the question of restoration, before a brother, heretofore indefinitely suspended, can resume his good standing among Masons; provided the brother shall not be restored by the Grand Lodge.

57. That where the Commissioner, after the trial of a brother charged with a Masonic offense, reported the accused guilty and recommended his expulsion, and an amendment was offered to change the penalty to suspension, it was the duty of the Master to take the vote of the lodge on the greater penalty first.

31. That expulsion, in every case, is from the rights and privileges of Masonry, and carries with it the loss of membership in a lodge. Restoration, by act of a lodge or Grand Lodge, is to the forfeited rights of Masonry, but not to membership, which ceased when the act of expulsion took effect, and which can only be resumed by regular affiliation.—*Trans.* 1875, pp. 32, 35.

15. If a Grand Lodge restore an expelled brother to the rights and privileges of Masonry, the action will be recognized as conclusive, wherever such Grand Lodge may have affiliation or correspondence. A Grand Lodge will not restore a brother expelled from the rights of Masonry in another jurisdiction.

18. An expelled Mason is masonically dead. When restored, it is to Masonic life. He has no more to do with the lodge from which he was expelled than with any other lodge after restoration. To affiliate he must make application in the regular form for that purpose and may apply to any lodge.

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19. A Mason may be punished for offenses committed either against the Craft or against society, and during the period of punishment, he is deprived of all his Masonic rights and privileges. but his obligations once assumed, cannot be thrown aside. It is in this way that the expression "once a Mason always a Mason," is to be understood.—*Trans.* 1876, p. 30.

## RULES OF ORDER.

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I.—At the third stroke of the Grand Master's gavel, there shall be a general silence, and he who breaks silence without leave from the Chair, shall be subject to a public reprimand.

II.—Under the same penalty, every brother shall keep his seat, and observe strict silence whenever the Grand Master or presiding officer shall call to order.

III.—No brother is to speak more than once to the same question, unless by permission.

IV.—If, in the Grand Lodge, any member is twice called to order, at one Communication, for transgressing these rules, and is guilty of the third offense of the same nature, the Chair may peremptorily order him to leave the lodge-room for that day.

V.—Whoever shall be so rude as to ridicule any brother, or what another says, or has said, may be forthwith solemnly excluded the Communication, and declared incapable of ever being a member of any Grand Lodge for the future, unless he publicly own his fault, and he be excused.

VI.—All motions are to be decided by a majority of votes, each member having one vote, each lodge having three votes, and such additional votes as the law prescribes, and the Grand Master two votes, in case that an equal number shall require his decision.

VII.—The opinions or votes of the members may be signified by holding up of the left hand, unless some member shall call for a vote by lodges, which shall be sustained by at least ten members.

VIII.—All members shall keep their places, except the Grand Marshal and Grand Deacons, who are allowed to move from place to place, in the discharge of their duties.

IX.—Every one who speaks shall rise, and remain standing, addressing himself to the presiding officer; and no member shall interrupt him unless to call him to order; but after he has been set right, he may proceed, if he observe due order and decorum.

X.—In case of the absence of the Grand Wardens, when they, or either of them shall be entitled to take the Chair by succession, the Past Grand Officer present, who is highest in rank (if his office shall have been elective), shall take it; and in case of the absence of both Present and Past Grand Officers, entitled to take the Chair, the Master of the Senior Subordinate Lodge present shall take it.

XI.—Every proposition offered for consideration shall be in writing, if required by any member.

XII.—At any annual communication of the Grand Lodge, the following Standing Committees shall be appointed, to consist of three members each, except as herein stated:

1. A Committee on Credentials of Members and Returns of Lodges.
2. Committee on Masonic Jurisprudence to consist of seven members. To this Committee shall be referred all domestic correspondence requiring action, and questions relative to Masonic law and

to the usages, privileges, and customs of the Fraternity.

3. A Committee on Foreign Correspondence.
4. A Committee on Warrants, to consist of nine members, one from each Judicial District in the State, except the First District, from which there shall be two. To this Committee shall be referred all applications for warrants, and all cases of forfeited warrants. They shall not act upon any application for a warrant, unless it shall have been recommended by the nearest lodge; nor shall any warrant be revived which has been forfeited previous to June, 1839; nor any other warrant forfeited since that time, unless it be first surrendered.
5. A Committee on Grievances.
6. A Committee on Finance, who shall examine into and report upon all matters touching the finances of the Grand Lodge, and to whom shall be referred all subjects involving an appropriation of its funds; and without such reference, no such appropriation shall be made.
7. A Committee on Accounts of Representatives and Pay of Members.
8. A Committee on the Constitution and By-Laws of lodges. To this Committee shall be referred all propositions to amend the Constitution, General Regulations, and Rules of the Grand Lodge.
9. A Committee on Charity, as provided by the Constitution.
10. A Committee on Unfinished Business of the previous Annual Communication.
11. A Committee on Printing, and no resolution to print at the expense of the Grand Lodge shall be adopted, without the sanction of such Com-

mittee, stating the number of copies to be printed.

12. A Committee on Work and Lectures, to consist of nine members, one from each Judicial District in the State, except the First District, from which there shall be two. To this Committee shall be referred the Report of the Grand Lecturer, and all questions relative to the work and lectures of the Fraternity.
13. A Committee on the Hall and Asylum, to consist of nine (9) members, one from each Judicial District. and one additional from the First District. To this Committee shall be referred all matters relating to the Hall and Asylum Fund.
14. A Committee of one from each Masonic District, before whom the Grand Lecturer shall exhibit the standard work and lectures of the Grand Lodge; and the Committee to report thereon.

XIII.—The Standing Committees shall not sit while the Grand Lodge is actually in session, unless on leave obtained, and shall all report at the same Communication at which they were appointed, and be discharged at the close thereof, unless otherwise ordered, except the Committee on Foreign Correspondence and Unfinished Business.

XIV.—After the Grand Master has called the Grand Lodge to order at the opening thereof, on the first day of the Annual Communication, the following order of proceedings and business shall be observed :

1. Prayer by the Grand Chaplain.
2. Calling the roll of lodges by the Grand Secretary.
3. The usual solemn ceremonies of opening the Grand Lodge in ample form.

4. Reading and approving the minutes of any previous communication not before read and approved.
5. Address of the M. W. Grand Master, and action thereon.
6. Report of the Grand Secretary and Grand Treasurer, and action thereon.
7. Miscellaneous Business.

XV.—After the first session of the Annual Communication, the Grand Lodge shall assemble daily, at nine o'clock in the morning, and take a recess from one o'clock P. M., until two o'clock P. M., and again from six o'clock until the following morning, at nine o'clock.

XVI.—The order of business at each session, after the first day, shall be as follows, except the third, which shall not be observed after the second day :

1. Reading and approving minutes of the preceding session.
2. Reports upon Credentials of Members.
3. Appointment of Standing Committees.
4. Reports on Unfinished Business of the previous Communication.
5. Presentation and reference, or other disposition of memorials, petitions, and communications.
6. Motions and Resolutions, and reference or other disposition of the same.
7. Reports of Standing Committees and action thereon, the Committees on Foreign Correspondence and the Condition of Masonry having the preference.
8. Reports of Special Committees, and action thereon.
9. Special Orders (if any).



10. Considerations of Amendments to Constitutions, General Regulations, and Rules (if any).
11. Unfinished Business of previous session (if any).
12. Miscellaneous Business, not included in the above ; including the lectures on three degrees in presence of the Grand Lodge, once at each Communication. (*See subdivision 14 of Rule XII.*)

XVII.—Should the Order of Business not be concluded at the session at which it is first called, it shall be commenced at the succeeding session where it was left off, and so on throughout the Communication, taking up the Order of Business as in Rule 16 again, when once finished, and going through with it in the same manner :—Provided, nevertheless, that the reading and approving of the minutes shall be the first business in order at each session ; and that the appointment of a time for, and the election and installation of officers. and the lectures, shall be in order at any time designated by the Grand Lodge.

XVIII.—The Rules of Order shall not be suspended at any time, except by unanimous consent.

XIX.—These rules may be amended at any time, by a vote of two-thirds of the Grand Lodge.

XX.—All former Rules of Order of the Grand Lodge inconsistent herewith are hereby abrogated.

Representatives will do well to make themselves acquainted with the foregoing rules in order that they may understand the routine of Grand Lodge business.

## PROPOSED AMENDMENTS.

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FOR the information of lodges and brethren we here insert the amendments to the Constitution which received affirmative action at the late annual communication of the Grand Lodge, and which will come up for final action at the session of 1878. It would be out of place for us to argue them here, but we earnestly recommend that a careful comparison be made between the Sections as they now stand and the proposed amendments, so that representatives may know the sentiment of their lodges and be prepared to vote understandingly when they find themselves in Grand Lodge.

Amend Section 4, Article I., of the Constitution, by inserting between the words "Grand Lodge," and the words, "and also," the words, "the Trustees of the Hall and Asylum Fund," so that the section, when amended, will read as follows :

"§ 4. This Grand Lodge shall be composed of all its Grand Officers, the Past Grand Masters, Past Deputy Grand Masters, Past Grand Wardens, Past Grand Treasurers, Past Grand Secretaries, and one representative from each lodge, who shall be the Master, one of the Wardens, in the order of seniority, or a proxy duly appointed by the lodge, the members of the Commission of Appeals, according to the rules prescribed by the Constitution of this Grand Lodge, the Trustees of the Hall and

Asylum Fund, and, also, of all such Past Masters of lodges under this jurisdiction as were elected and installed and served one year in the chair of Master prior to the 31st day of December, 1849. But it may, at its pleasure, and by duly altering its Constitution, enlarge or diminish the numbers and qualification of its members; *provided*, no one can be a member of this Grand Lodge unless he be a member of some lodge within this jurisdiction."

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Amend Section 8, Article I., of the Constitution, by adding thereto the following words:

"The Trustees of the Hall and Asylum Fund shall be elected at such time in the Annual Communication as the Grand Lodge shall direct, and in the same manner as the elective Grand Officers; *provided*, if there is no vacancy to be filled at such Annual Communication, except by expiration of the term of a Trustee, then only one such Trustee shall be elected, and to hold his office for the full term prescribed, and all other vacancies shall be filled for the remainder of the term."

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Amend Subdivision 9, of Section 40, Article VII., by striking out the words, "for the period of five years," so that when amended it will read as follows:

"9. Every lodge shall pay for each of its members, annually, fifty cents, which shall be appropriated to the Hall and Asylum Fund."

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Amend Section 63, Article XV., of the Constitution, by striking out the words, "two-thirds," and inserting the word, "majority," so that the section, when amended, shall be read as follows:

“§ 63. The Statutes may be amended at any Annual Communication of the Grand Lodge, by a majority vote; *provided*, that notice of such proposed amendment shall have been given, and the amendment proposed presented in writing at the previous Annual Communication.”

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Amend Section 53, Article XI., of the Constitution, by adding the following words:

“The recommendation of a lodge whose jurisdiction may be affected shall not be necessary to such dispensation when such body and such new lodge shall be situate upon opposite sides of that part of the Hudson River between the city of New York and the northernmost limits of the city of Troy.”

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Amend Section 72, Article XXVI., of the Statutes, by adding thereto the words:

“Subject to a like right of appeal, to be taken by an aggrieved party, within the time, and proceeded with in the manner prescribed in Section 68.”

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Amend Section 46, Article XXIV., of the Statutes, by striking out the word “two,” in the fourth line, and the word “two,” in the sixth line, and by inserting in lieu thereof, the word “one,” so that the section, when amended, shall be read as follows:

“§ 46. A lodge shall have the power to enact a By-Law which shall provide a penalty for the non-payment of lodge dues, which penalty shall be unaffiliation; but, such penalty shall not be inflicted except for the non-payment of at least one year's dues, nor until the brother shall have been duly

summoned thirty days previous, to pay said one year's dues. Any such unaffiliated brother may be restored to membership by a majority vote of the members present and voting at a Stated Communication; *provided*, he shall have paid the amount due at the time of such restoration."

Amend Section 51, Article XXV., of the Statutes, by striking out of said section the words, "seafaring men or," so that the section, when amended, shall be read as follows:

"§ 51. No lodge shall initiate any candidate who is a resident of the State of New York, unless he has been such resident for twelve months next preceding the application for such initiation, and for four months in the jurisdiction of the lodge to which he applies, without the consent of the lodge within the jurisdiction of which he last previously resided; and no lodge shall initiate any candidate who is not a resident of the State of New York, without the consent of a warranted lodge, acting in accordance with the Constitution and Laws (by whatever name such laws may be known) of the Grand Lodge under the jurisdiction of which such candidate resides; *provided*, however, this section shall not apply to persons in the United States naval or military service."

Amend Section 43, Article XXII., of the Statutes, by adding to said section, the following:

"And the Secretary of such new lodge, if warranted, immediately on its being instituted will notify all warranted lodges to which any of its members belonged, on joining in the original petition aforesaid, of the granting of such warrant and the institution of the lodge thereunder, with the name or names of such original petitioners as

continued their membership in such newly instituted lodge."

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Amend Section 25, Article XI., of the Statutes, by adding thereto, the following:

"Nor shall any lodge expend any portion of its receipts from initiation or affiliation fees for any purpose other than the relief of the sick, destitute, and needy, the burial of a deceased brother, or for the payment of Grand Lodge dues."

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Amend Subdivision 3, of Section 13, Article V., by adding thereto, the words, "but this shall not apply to Master or Warden," so that the subdivision, when amended, shall be read as follows:

"3. By election and installation of the holder of such office to fill another office in the lodge, but this shall not apply to Master or Warden."

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Amend Section 5, Article II., of the Statutes, by inserting after the word, "attendance," the words, "not exceeding three days," so that said section, when amended, shall be read as follows:

"§ 5. The representative from each lodge shall be entitled to receive his traveling expenses at the rates established by the proprietors of public conveyances, which he shall take in coming directly from his lodge to the place of meeting and returning thereto, as charged by said proprietors at the time, and also five dollars for each day's attendance, not exceeding three days, and three dollars per day for time actually necessary for traveling to and from the Grand Lodge, not exceeding two days in going and returning. And, though he represent more than one lodge, he shall receive pay only for one lodge; nor shall he receive more than the aggregate dues of the lodges he shall represent."

# MASONIC CODE OF PROCEDURE ;

IN THREE PARTS, VIZ. :

I. Trials ; II. Appeals ; III. Restoration.

[ADAPTED TO THE USE OF LODGES.]

PREPARED BY JOHN L. LEWIS, P. G. M., AND APPROVED  
BY THE GRAND LODGE OF NEW YORK, JUNE, 1873.

AMENDED IN 1874 AND 1877.

## I. OF TRIALS.

SECTION 1. A Masonic trial is the judicial examination of the issues arising on Complaints for offenses before the Grand Lodge or Commissioners, whether they be issues of law or of fact.

§ 2. Masonic offenses which subject the individual offender to trial and punishment are of four kinds :

1. Offenses against Statutory law, being such as are called crimes, divided into felonies and misdemeanors ;
2. Offenses at common law, not made crimes by any statute ; such as assault and battery ;
3. Offenses against the moral law, not punishable as crimes ; such as adultery and fraud ; and
4. Offenses against the Constitutions and laws of Masonry, written or unwritten.

§ 3. The penalties which may be inflicted upon an individual Mason, for an offense, are :

1. Reprimand or censure ; 2. Suspension for a definite time ; and, 3. Expulsion.

§ 4. Masonic offenses may also be committed by a Lodge in the particulars defined by the Constitution, and not otherwise, and which are :

1. Contumacy to the authority of the Grand Master or Grand Lodge ;
2. Departure from the Ancient Landmarks ;
3. Disobedience to the Constitution and laws of the jurisdiction ; and
4. Neglecting to meet as a Lodge for one year or more.

§ 5. Every individual Mason, and every Lodge accused of a Masonic offense, must be proceeded against by written charges called a Complaint, and notice thereof ; and each is entitled to a speedy and impartial trial.

§ 6. Any Mason in good standing may prefer a complaint to the proper authority against any other individual Mason, or against a Lodge, and may be a witness on the trial.

§ 7. A complaint must be in writing, and contain an orderly statement of the facts constituting a Masonic offense, and should be brief but comprehensive, avoiding repetition, and clearly defining the nature of the offense charged, with an accurate specification of the time, place, and circumstances of its alleged commission.

§ 8. A complaint preferred in a Lodge should be substantially in the form designated as " Form No. 1," or designated as " Form No. 2," or as " Form No. 3," as examples, and which may readily be adapted to any other case of Masonic offense.

### **Form No. 1.**

#### *The Complaint.*

" To the Master, Wardens, and Brethren of Triluminar Lodge, No. 800 :



**CHARGE.** Brother *A. B.* is hereby charged with *immoral* and *unmasonic* conduct :

*First Specification.* That the said *A. B.*, on the first day of April, 1859, in the public street at Freetown, in the county of ———, and then being a member of said Lodge, was in a state of intoxication from the immoderate and improper use of intoxicating liquor, in violation of his duty as a Mason, and to the scandal and disgrace of the Fraternity.

*Second Specification.* That the said *A. B.*, on the first day of April, 1859, at Freetown aforesaid, and at various other times and places in the year 1859, was intoxicated with strong and spirituous liquors, although admonished therefor by the Master and Wardens of this Lodge, in violation of his duty as a Mason and to the great scandal and disgrace of the Masonic Fraternity :

And it is hereby demanded that the said *A. B.* be dealt with therefor according to Masonic law and usage.

Dated April 9, 1859.

*S. L., Junior Warden."*

### Form No. 2.

#### *The Complaint in another form.*

"To the Masters, Wardens and Brethren of Triluminar Lodge, No. 800 :

**CHARGE.** Bro. *C. D.* is hereby charged with *immoral* and *unmasonic* conduct :

*First Specification.* That the said *C. D.*, on the first day of April, 1859, at Freetown, in the county of ———, and then being a member of said Lodge, in the presence and hearing of Bro. *E. F.* and others, spoke and declared of Bro. *G. H.*, of Anchor Lodge, No. 801, these words in substance : that the said *G. H.* was a dishonest man ; that he was a knave and a cheat ; and that he was a liar : to the great injury of the said *G. H.* and to the common scandal and disgrace of the Masonic Fraternity.

*Second Specification.* That the said *C. D.*, on the first day of April, 1859, at Freetown aforesaid, in the presence and hearing of Mr. *Y. Z.* and others, publicly spoke and declared of the said *G. H.*, who was not present, that he, the said *G. H.*, was a dishonest man, a knave, a cheat and a liar, in violation of the duties of the said *C. D.* as a Master Mason, to the great injury of the said *G. H.*, and to the common scandal and disgrace of the said Anchor Lodge, No. 801, and of the Masonic Fraternity :

And it is therefore hereby demanded that the said *C. D.* be put upon trial therefor.

Dated April 9, 1859.

*S. L., Junior Warden."*

**Form No. 3.***The Complaint—another form.*

“To the Master, Wardens and Brethren of Triluminar Lodge, No. 800 :

CHARGE. Bro. *E. F.* is hereby charged with *unmasonic* conduct :

*Specification.* That heretofore said Triluminar Lodge adopted a Code of By-Laws, and amongst other things provided by Section 21 of said By-Laws, which has ever since been and is in full force, in substance and effect that said Lodge might tax its members for Masonic purposes ; that at a stated communication of said Lodge, held on the 24th day of December, 1858, said Lodge adopted a resolution to impose a tax upon each of its members of three dollars to replenish the Charity Fund of said Lodge ; that on said last mentioned day said *E. F.* was a member of said Lodge and had subscribed to said By-Laws, and is still a member of said Lodge, but that the said *E. F.*, although of sufficient pecuniary means and ability, refused to pay said tax of three dollars, and still refuses to pay the same, contrary to the provisions of said Section 21 of said By-Laws, to the injury of said Lodge, and in violation of his duties and obligations as a Master Mason : and it is therefore hereby demanded that the said *E. F.* be put upon his trial therefor.

Dated April 9, 1859.

*S. L., Junior Warden.”*

§ 9. The proceedings on a complaint to a Lodge under “Form No. 1” (selected as an example) are contained in the preceding Section 8, and in the Sections following to an including Section 20.

§ 10. The complaint must be presented in open Lodge at a Stated Communication, and a motion should be made and adopted that the complaint be received and Commissioners appointed before further proceedings can be had thereon.

§ 11. The complaint need not be copied in the minutes, but its nature shall be entered with the fact of its reception and reference, and the names of the Commissioners appointed by the Master.

§ 12. When such a motion of reception and reference has been adopted, the Master should forthwith appoint three capable and disinterested members of the Lodge as Commissioners. If a brother appointed as Commissioner shall know of any cause which would disqualify him from acting, it is his duty to state it either in open Lodge or privately to the Master, in order that another may be forthwith substituted.

§ 14. It is the duty of the Secretary of the Lodge immediately to serve upon the accused a copy of the complaint with a notice annexed, except in cases mentioned in Section 17.

§ 15. The notice annexed to the complaint may be in the following form :

**Form No. 4.**

*Notice of Complaint.*

"Bro. A. B. :—Take notice that the within (or foregoing) is a copy of the complaint preferred against you at a Stated Communication of Triluminar Lodge, No. 800, held on the 9th of April, inst., and that Bros. R. S., T. U., and V. W. were appointed Commissioners to hear and try the same.

Dated April 10, 1859.

P. Q., *Secretary.*"

§ 16. Commissioners should determine, if possible, at the time the complaint is preferred, when and where they will meet for trial, and inform the Secretary thereof, in which case he will add to the above notice the following ; "and that they will meet for the purpose on the 20th day of April, 1859, at seven o'clock P. M., at Triluminar Lodge-room, in Freetown, at or before which time you are required to answer said complaint."

§ 17. If from any cause the complaint cannot be personally served, then a notice of its presentation, and the nature of the charges it contains should be sent to accused by mail, or other safe conveyance, if his residence be known ; if the residence be not known, then, after a reasonable time, and after diligent inquiry, the Secretary should leave such notice at the last place of residence or place of business of the accused, with information that a copy of the complaint will be furnished when demanded by the accused.

§ 18. The notice in the case mentioned in Section 17 may be in the following form :

**Form No. 5.***Notice to Absent Defendant.*

"Bro. A. B. :—Take notice that at a Stated Communication of Triluminar Lodge, No. 800, held in Freetown, on the 9th day of April, 1859, charges of unamasonic conduct were preferred against you ; that Bros. R. S., T. U., and V. W. were appointed Commissioners to hear and try the same ; that a copy of the complaint will be furnished you on demand, and you are required to answer said complaint within —— days thereafter, and serve your answer upon me.

Dated April 16th, 1873.

P. Q., *Secretary.*"

§ 19. After service of the complaint, if the accuser or accused has an objection to the Commissioners, or any of them, he should as soon as possible make his challenges, that the Master, if satisfied that the challenge is made upon good grounds, may make another appointment ; and it should state specifically the grounds on which it is made. Challenges may, however, be made to Commissioners at any time before the trial commences.

§ 20. If there be doubts whether the grounds of the challenge are sufficient, the Master shall be the trier, when all or two of the Commissioners are challenged ; or when but one is challenged the other Commissioners may act as triers ; but it is recommended that if there be reasonable objection or if probable cause for challenge be manifest, that the challenged Commissioners remove all objection by resignation, in which case the Master will appoint another and if made at any other time than at a Communication of the Lodge, that he supply the vacancy by appointment in writing, to be filed with the Secretary, who shall present the same to the Lodge when next convened.

§ 21. The appointment of Commissioners being completed, it is next the duty of the accused to answer the complaint. As this must be in most cases, if not all, equivalent to the well-known plea of "Not guilty," the form is immaterial, but to complete the record it may be in the following form :

**Form No. 6.***The Answer.*

"C. D. in person denies the complaint made against him, and every matter and thing contained in the charges and several specifications of the same as therein stated and set forth, and demands trial thereon. C. D."

§ 22. The answer, however, may vary according to the facts of each case; as, for example, one specification may be admitted and another denied; or the charges and specifications may be admitted and matters set forth in excuse or extenuation of any or all of the specifications; or the charges and specifications may be admitted, with a denial that they constitute Masonic offense (the last being what is called a demurrer, but which, to avoid technicality, will be termed a special answer).

§ 23. The special answer to the complaint may be in the following form:

**Form No. 7.***The Special Answer.*

"C. D. in person answers the complaint made against him, and, without denying the charges or specifications therein, says, that the statements in said complaint do not present sufficient facts to constitute a Masonic offense, because he says that it is contrary to the principles of Masonic law for a Lodge to tax its members" [or whatever else may be the grounds of the special answer].

§ 24. The answer, whether general or special, being made, the issue is formed and the parties proceed to trial at the time and place appointed by the Commissioners, of which the accused shall always have reasonable notice in writing.

§ 25. If a special answer be made, and the decision be against the accused, he will still be permitted to put in an answer denying or excusing the charges in the manner above stated, and hence it is best not to interpose a special answer, as the accused may always have the benefit of any question of Masonic law under a general answer.

§ 26. The attendance of witnesses on either side, when they are Masons, may be enforced by summons, which may be issued by any Master of a Lodge, and may be in the following form:

**Form No. 8.***The Summons for Witness.*

"To Bro. I. J. :—You are hereby summoned and required to attend as a witness before the Commissioners appointed for the trial of Bro. A. B., on certain charges preferred against him, on the 20th day of April, 1859, at 7 o'clock, P. M., at the Lodge room of Triluminar Lodge, No. 800, in Freetown ; and there to testify the truth according to your knowledge on behalf of [naming the party summoning him].

Dated April 16, 1859. K. L., *Master of Star Lodge, No. 900.*"

§ 27. The summons may be made to answer for several witnesses by inserting their several names and adding the words "and each of you" after the word "you;" taking care to leave a blank after the first name for the insertion of other names. The attendance of witnesses other than Masons must necessarily be voluntary only.

§ 28. The brother disobeying such summons is liable to discipline in the same manner as for disobedience to any other summons ; and, for this reason, the one serving it should note upon it when and how it was served, whether personally or otherwise.

§ 29. The complaint for disobeying a summons may be in the following form :

**Form No. 9.***Complaint for Disobeying Summons.*

"To the Master and Wardens of Triluminar Lodge, No. 800 :

CHARGE. Bro. I. J. is hereby charged with *unmasonic* conduct.

*Specification.* That the said I. J., having taken the solemn obligations of a Master Mason, and being a member of said Triluminar Lodge, No. 800, in good standing, was, on the 16th day of April, 1859, personally served with a summons to attend as a witness before the Commissioners appointed for the trial of Bro. A. B. on certain charges against the said A. B., on the 20th day of April, 1859, at seven o'clock, P. M., at the Lodge-room of said Triluminar Lodge, No. 800, in Freetown there to testify the truth according to his knowledge on behalf of said Triluminar Lodge, which summons was issued by K. S., Master of Star Lodge, No. 900 ; and that the said I. J., wholly disregarding said summons and his solemn obligations as a Master Mason to obey the same, did not attend at the time and place specified in said summons, but wholly neglected and refused

so to do, to the great injury of said Triluminar Lodge, and to the evil example of the whole Masonic Fraternity:

Wherefore it is demanded that the said I. J. be brought to trial and punishment therefor.

Dated April 21, 1859.

S. L., *Junior Warden.*"

This form, with the necessary alterations, may be adapted to any case of willful disregard of any lawful summons of a Brother Master Mason, or of a lawful Lodge of Master Masons.

§ 30. Testimony may be taken by Commission (as limited in Section 38 following) when the witness to be examined resides at such distance as may be inconvenient for him to attend, of which fact the Commissioners appointed for the trial shall be the judges, and the attendance of such witnesses to testify may (if he be a Mason) be compelled by summons, as prescribed in Sections 26 and 27 preceding.

§ 31. Reasonable notice of intention to apply for a Commission must be given by the applicant therefor, and may be in this form :

### Form No. 10.

#### *Notice of Commission.*

"To S. L., Junior Warden :—Take notice that I shall apply to the Commissioners appointed for the trial of the charges against me at Triluminar Lodge-room, in Freetown, on the 20th day of April, 1859, at 7 o'clock, P. M., for a Commission to examine W. Bro. H. J., Master of Hearty Lodge, No. 777, to examine X. Y., as a witness on my behalf, on interrogatories.

Dated April 16, 1859.

A. B."

§ 32. If the Commissioners at the time of hearing, on this notice, decide to issue the Commission, it should be issued to the Master or a Warden of the nearest or most convenient Lodge to the witness (unless there be reasonable objection to such Master or Warden), to act as Examiner ; and it may be in the following form :

**Form No. 11.***Commission for Witness.*

"To W. Bro. H. J., *Master of Hearty Lodge, No. 777 :*

You are hereby appointed Examiner to take the testimony of Bro. F. F., of Noblesburg, in your county, as a witness in the matter of the charges preferred in Triluminar Lodge, No. 800, against Bro. A. B., of said Lodge, at such early time and convenient place as you may appoint, upon the interrogatories and cross-interrogatories hereto annexed, and reduce his answers thereto to writing, to be subscribed by him, and by you certified to us, and returned forthwith by mail to the Secretary of said Triluminar Lodge, acting in the premises with all convenient speed.

Dated Freetown, April 20, 1859.

[SEAL OF TRILUMINAR LODGE]

*Attest : P. Q., Secretary.*

R. S.

T. U.

V. W.

} *Commissioners.*

§ 33. At the time of hearing on the application for Commission, or at such other time as shall be agreed upon or appointed, the parties shall prepare, and the Commissioners (or one of their number designated by them) shall settle their respective interrogatories or cross-interrogatories.

§ 34. The interrogatories (or questions) may be in the following form :

**Form No. 12.***Interrogatories.*

"Interrogatories to be proposed to F. F., a witness to be examined on Commission annexed :

*First Interrogatory.* What is your age, occupation and residence ?

*Second Interrogatory.* Are you acquainted with A. B., named in the annexed Commission ? and, if so, for how long a time ?

*Third Interrogatory.* Were you at Freetown on the first day of April, 1859 ? and, if so, did you see said A. B. there ?

*Fourth Interrogatory.* What was the state of his health at that time ? and, if not good, state what was his disease ? how it affected his actions ?

[And so on, numbering each separate interrogatory or question by itself.]

*Lastly.* Do you know any other matter or thing beneficial to the said A. B. in this matter ? If so, state it fully. A. B."



§ 35. The interrogatory commencing "lastly" must always be inserted and always answered. If the witness has anything additional to state, it should be added; if he has not, it should be so stated.

§ 36. The cross-interrogatories may be in the following form :

### **Form No. 13.**

#### *Cross-interrogatories.*

"Cross-interrogatories to be proposed to F. F., a witness to be examined on Commission answered :

*First Cross-interrogatory.* Do you know what caused the ill-health of A. B.? If so, state fully the fact and the cause.

[Then proceed with others, numbering them in like manner, and concluding with "Lastly," and observing the same rules as in case of interrogatories.] S. L., *Junior Warden.*"

§ 37. The commission, copy of complaint, interrogatories and cross-interrogatories will then be fastened together and sent to the Examiner.

§ 38. The examiner having procured the attendance of the witness at the time and place appointed, will take his testimony in the same manner as on trial, and put it in writing, and may commence in this form :

### **Form No. 14.**

#### *Deposition.*

"Examination of F. F., a witness produced before me in the matter of the annexed charges against A. B., taken at Noblesburg on the 27th day of April, 1859, and who testified as a Master Mason [or who stated, see § 49, subd. 4] as follows :

To the first interrogatory the said F. F. says : My age is 35. I am a farmer, and reside at Noblesburg.

To the second interrogatory he says : I know A. B., and have been acquainted with him for over ten years. [And so on, giving the answers in full to each interrogatory]

Lastly. The said F. F. says, in answer thereto : I do not.

To the first cross-interrogatory the said F. F. says :

And proceed as on the interrogatories, adding a reply to "Lastly."  
"F. F."

§ 39. The answers to the several interrogatories and cross-interrogatories being written, the witness will subscribe the same, and the Examiner will then certify as follows :

**Form No. 15.**

*Certificate to Interrogatories.*

"I certify that the foregoing is a copy of all the testimony of F. F., a witness examined before me by virtue of the annexed Commission, at the time and place therein specified.

Dated Noblesburg, April 27, 1859.

H. J., *Examiner.*

§ 40. It will be most convenient, and it is recommended to be observed in practice, that the parties should agree as to the issuing of the Commission, and to whom, and also agree upon the interrogatories and cross-interrogatories, and enter into a stipulation, which may be in this form :

**Form No. 16.**

*Stipulation for Commission.*

"We do hereby stipulate and agree to the issuing of the annexed Commission, and to the examination of F. F., the witness therein named, by virtue thereof, in answer to the interrogatories and cross-interrogatories annexed, agreed to by us.

S. L., *Junior Ward-n.*

Dated April 16, 1859.

A. B."

§ 41. No Commission shall issue to take testimony in behalf of the complainant, to be used on a trial on charges, without the consent in writing of the accused ; and in such case, if they agree upon the issuing of a Commission, the signing of a stipulation like that mentioned in Section 40 shall be regarded as such consent in writing.

§ 42. When testimony is taken on behalf of the complainant by Commission, with the written consent of the accused, it will be conducted by the same rules as on behalf of the accused herein before stated.

§ 43. When the Commissioners meet to proceed with the trial, they should organize by appointing one of their number to preside as Chairman. Should they fail to do so, the Commissioner first

named will preside. They should also choose one of their number to act as Clerk and keep the minutes of their proceedings and of the testimony. They should be furnished by the Secretary of the Lodge with a certificate of their appointment and the resolution under which it was made.

§ 44. The Commissioners being duly organized, and the accused having answered the complaint, are prepared to hear and receive the evidence in the case.

§ 45. Evidence is the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved ; and the rules of evidence, including those which relate to the admissibility of testimony and the competency of witnesses to be observed by Commissioners, are such as have been established and are recognized in courts of law in the ordinary administration of justice, and cannot be set forth in detail here.

§ 46. There are certain great principles of evidence, however, which may be briefly stated, and which if properly regarded will be sufficient guides in Masonic trials, and which are :

1. That each party to a trial is bound to produce the best and highest evidence in his power to establish or disprove any alleged matter of fact.
2. That to establish or disprove any alleged matter of fact, the matter to which a witness testifies must be within his actual personal knowledge ; and that the substance of the issue must be proved by the facts so testified, or such a series of facts (commonly called circumstantial evidence) as, combined, will lead to an irresistible conclusion, establishing or disproving an alleged matter of fact.
3. That the burden of proof always rests with the party holding the affirmative, and hence, in a Masonic trial, lies upon the complainant first ; and in a like manner, when a defense is based upon substantive matters of fact, the burden of proof lies upon the accused ; and, therefore, when the testimony in a case is balanced, the party holding the affirmative must fail.

4. That every material allegation in a complaint must be proved, and substantially as laid ; but need not precisely conform to the charge in matters of time and place, unless time and place are themselves necessary to constitute an offense or to confer jurisdiction.
5. That hearsay evidence is inadmissible, except to prove general reputation, which can only be known by the common speech of others ; and that in eliciting facts from a witness, leading questions are not permitted.
6. That confessions and admissions are to be received with great caution, and that no conviction can follow such proof, without further proof that the offense charged has been committed ; but this does not apply when a plea of guilty is made to the complaint—for that admits the commission of the offense itself, and its commission by the accused.
7. That there are certain things of which Commissioners may judicially take notice without proof, such as facts in history, or geography, or any science, and the operation of the laws of nature.
8. That but one witness is necessary to establish a fact or series of facts within his knowledge, except when the rules of criminal law require an additional witness.
9. That no witness is to be excluded on the ground of religious belief, or of interest ; and that the accused is a competent witness in his own behalf.

§ 47. When a person accused of an offense Masonically, has been convicted of it upon trial in a court of law, or when it has been judicially established in a civil action, it is unnecessary to repeat the evidence in a Masonic trial, but the record of such court, with proof of identity of the accused, shall be sufficient to justify a conviction by Commissioners, unless an appeal shall have been taken from the judgment of such court.

§ 48. The minutes of proceedings of the Commissioners may be in the following form :

**Form No. 17.**

*Minutes of Commission.*

"The Commissioners appointed for the trial of Bro. A. B., on the complaint and answer hereto annexed (marked A), pursuant to the following resolution [copy resolution], assembled at the Lodge-room of Triluminal Lodge, No. 800, in Freetown, on Wednesday evening, the 20th day of April, 1859.

Present : R. S., T. U., and V. W., Commissioners.

R. S. was chosen Chairman, T. U., Clerk, and V. W., Marshal."

"A. B., the accused, appeared before us, and objected to T. U., one of the Commissioners, on the ground that he was present at the meeting of the Lodge when the charges were preferred, and voted for their reference.

Bro. T. U. stated that he had formed no opinion on the subject ; and the other Commissioners decided that he was competent to act as Commissioner, to which Bro. B. took an exception.

The complaint was then read by Bro. S. L., Junior Warden, together with the answer of Bro. A. B.

Bro. B. then requested that P. S., an attorney at law, who is not a Mason, should examine the witnesses on his behalf, and assist him in his defense. The Commissioners decided against the request, to which Bro. B. took an exception. The Commissioners further stated that Bro. B. might engage the services of any Brother Mason to assist in his defense, and he therefore employed Bro. N. O. to assist him as Counsel.

Bro. O. objected to the complaint as being vague and uncertain, but the Commissioners decided it to be sufficient ; to which Bro. O. took an exception.

Bro. E. F. was then introduced as a witness by the Junior Warden, and testified as a Master Mason as follows : I am acquainted with Bro. A. B. ; I saw him on Main Street, in Freetown, on the first day of April last ; I was on the opposite side of the street ; he appeared to be intoxicated ; [an objection was here made to the testimony as to the *appearance* of the accused, but it was overruled and an exception taken] he was there for about half an hour ; he reeled as he walked ; &c.

On cross-examination, Bro. E. F. further testified : I know that Bro. B. had been sick ; &c.

The Commissioners then adjourned to meet at the same place on Thursday evening, the 21st of April, 1859, at seven o'clock, P. M.

*Thursday Evening, April 21, 1859.*

The Commissioners met pursuant to adjournment :

*Present :* All the Commissioners ; and also, Bro. L., the Junior

Warden, and Bro. A. B. and his counsel, Bro. O ; Bro. U. officiated as Chairman.

Mr H. C. was then introduced as a witness by the Junior Warden, and stated as follows : I was in Freetown on the first day of April, instant ; A. B. was there, &c.

The proofs on the part of the complainant here rested.

Bro. O , on behalf of Bro. A. B., then produced the sworn affidavit of Mr. J. R., and offered it in evidence, to which the Junior Warden objected on the ground that Mr. R. should be produced for cross-examination.

The Commissioners sustained the objection on that ground, and Bro. O. excepted.

Bro. R. was then introduced, and the Junior Warden then consented that his affidavit might be read, and which was then read accordingly, and is hereto annexed (marked B).

The Junior Warden then cross-examined Mr. B., who stated as follows ; &c.

The testimony of F. F., a witness examined by Commission on the part of the accused, was then read in evidence, and is hereto annexed (marked C).

The proofs being closed, after hearing both parties, the Commissioners decided to meet again on the 23d day of April, instant, to determine on their report.

*Saturday, April 23, 1859.*

The Commission again met, by themselves, and after consultation, decided upon their report, a copy of which is hereto annexed (marked D), and notified the parties thereof.

(Signed by the Commissioners)."

§ 49. In Masonic trials and proceedings thereupon, the following rules, indicated in the form of minutes given in Section 48, should be observed ;

1. The statement of objections with the grounds of them, and the decision of the Commissioners thereon should be stated.
3. The respective parties may have counsel, but no attorney or counsel not being a Mason, shall be permitted to act in a Masonic trial.
4. Witnesses who are Masons testify by virtue of their obligations as such ; other witnesses must sign their names to their testimony, and verify it before some officer duly authorized to administer an oath, the credibility of witnesses

depending upon their general character, which may be impeached.

5. No testimony shall be taken or received upon any trial, when the accused appears in person or by counsel at the trial, except in the presence of the accused or his counsel, and an opportunity given to them for cross-examination, and when taken down must be as nearly as possible in the words of the witness, and as if speaking in the first person.
6. Every proceeding upon trial, including the time and place of adjournment, should be carefully noted in the minutes.
7. No person shall be permitted to be present at a Masonic trial but Master Masons, except a witness, and he only while testifying.
8. A Masonic trial should be conducted in all respects as near as may be like the trial of an action of a criminal nature in a court of record, and be governed by the same general rules.
9. When a trial is concluded, the Commissioners shall deliberate by themselves, without other persons being present till their decision be made, which should be as speedily as possible, and of which notice in writing should be given to the respective parties.

§ 50. The notice of decision may be in the following form :

### Form No. 18.

#### *Notice of Decision.*

“To Bro. S. L., *Junior Warden*, and Bro. A. B. :

You will each take notice that we have agreed upon and signed our report in the matter of charges against Bro. A. B., referred to us, by which we have found the charges sustained, and Bro. A. B. guilty thereof, and that the expenses of the proceedings be paid by him ; and that we shall present the report to Triluminar Lodge at its Stated Communication on the 30th April, instant.

Dated April 23, 1859.

(Signed by the Commissioners).’

§ 51. The decision having been agreed upon, the Commissioners will draw up their report thereof for the action of the Lodge. It

need not, in the first place, state anything but the facts found and the conclusions thereon of the Commissioners. These conclusions, like those of other committees, should be in the form of resolutions, for the definite action of the Lodge.

§ 52. On the presentation of the report, if the Lodge desire to have the minutes of the proceedings read, including the testimony, the Commissioners must comply by reading the same, embracing them in a supplementary report.

§ 53. The report should be full, and may be in the following form :

### **Form No. 19.**

#### *Report of Commissioners.*

“ To the Master, Wardens, and Brethren of Triluminar Lodge, No. 800 ;

The Commissioners appointed for the trial of Bro. A. B. on charges of intoxication, heretofore preferred in this Lodge, respectfully report :

That they met at the Lodge-room of this Lodge on Wednesday evening, the 20th of April last past, and Bro. A. B. having answered the complaint against him by general denial, and the Commissioners having duly organized, they proceeded to hear and try the matters referred to them.

That objections were made to Bro. U., one of their number, which they overruled, and also refused to permit Bro. B. to appear by counsel who was not a Mason, and therefore Bro. N. O. appeared for him. That objection was made to the sufficiency of the complaint and overruled.

That they proceeded to take testimony (in the course of which they decided not to admit a sworn affidavit, unless the deponent was present to be cross-examined), and Bro. E. F., and Mr. H. C., and Mr. J. P. were examined as witnesses ; and the testimony of Bro. F. F., taken by Commission, was produced and read.

That they held three meetings, the last of which was for the purpose of agreeing upon and preparing this report.

That from the testimony before them they find the following facts :

1. That Bro. A. B. was intoxicated with strong and spirituous liquors, in a public place in Freetown, on the first day of April, 1859.

2. That Bro. A. B. has been at least twice intoxicated in a public place in Freetown aforesaid, within two weeks previous to the said first day of April, 1859.

They therefore recommend the adoption of the following resolutions :



*Resolved*, That the charges of intoxication against Bro. A. B., made and presented to this Lodge on the 9th day of April, 1859, on complaint of the Junior Warden, are sustained, and that he is guilty of the said charges.

*Resolved*, That Bro. A. B. be and he is hereby suspended from this Lodge, and from the rights and privileges of Masonry for the space of three months from this date.

*Resolved*, That the charges and expenses of the Commissioners, amounting to the sum of three dollars, are adjudged to be paid by said Bro. A. B.

And that they have notified the Junior Warden and Bro. A. B. of their decision, as expressed in the foregoing resolutions.

All of which is respectfully submitted.

Dated April 23, 1859.

R. S. }  
T. U. } *Commissioners."*  
V. W. }

§ 54. If the report of the Commissioners be not unanimous, the Commissioner may express his dissent therefrom at the end of the report of the majority, (and which is recommended instead of making a separate minority report), in the following form :

### Form No. 20.

#### *Dissent from Commissioners' Report.*

"I dissent from the report of the other Commissioners in this case of Bro. A. B., both in their findings of fact and their conclusions therefrom, as expressed in the resolutions contained in their report.

Dated April 23, 1859.

V. W., *Commissioner."*

§ 55. The report of the Commissioners having been made to the Lodge, some brother should move for the adoption of the resolutions, and no motion for its acceptance is necessary, as a report is always accepted unless objection be expressly made ; but if a supplementary report is required, that should first be moved ; but if the Commissioner dissents from the report in part only, it may be expressed in this form :

"I dissent from so much of this report as finds that Bro. A. B. has been at least twice intoxicated, in a public place in Freetown aforesaid, within two weeks previous to the first day of April, 1859 ; and from so much of the second resolution annexed thereto as fixes the term of his suspension at three months.

Dated April 23, 1859.

V. W., *Commissioner."*

§ 56. If the resolutions annexed to the report of the Commissioners are adopted by the Lodge, then it stands as the judgment in the case until properly reversed.

§ 57. The Lodge may, by resolution, reverse the decision of the Commissioners, in every particular, except as herein stated ; or it may modify or change it by increasing or diminishing the penalty ; but it may not reverse or modify the decision as to expenses ; which can only be reversed, modified, or changed on appeal.

§ 58. A majority vote of the Lodge is sufficient to adopt or reject the decision of the Commissioners as to the guilt of the accused, or to approve or modify the penalty.

§ 59. If the accused be absent from the Lodge, it shall be the duty of the Secretary forthwith to transmit a copy of the resolutions adopted by the Lodge in his case, with a notice, which may be in the following form :

**Form No. 21.**

*Notice of Judgment.*

“ To Bro. A. B. :

Take notice, that the foregoing is a copy of resolutions adopted by Triluminar Lodge, No. 800, at their Communication held in their Lodge-room in Freetown on the 30th day of April, instant.

Dated April 30, 1859.

P. Q , *Secretary.*”

§ 60. Proceedings in case of an unaffiliated Mason ; complaints against a Lodge ; or complaints against a Master ; or by one Lodge against another Lodge ; or against a member of another Lodge—will be conducted in like manner, conforming to tribunals, circumstances, and persons charged, to be preferred to officers or body, and to be acted upon by Commissioners in like manner. Such complaints should be distinctly addressed to the officer or body who is to act thereon—should be definite and specific in their nature, conforming to constitutional or legal provisions, and are to be acted upon by Commissioners appointed by such officer or body.

§ 61. Commissioners appointed in the cases referred to in Section 60 will prescribe the penalty, as in case of Commissioners appointed by the Master of a Lodge, and the decision of such Commissioners is final, unless an appeal be taken therefrom.

§ 62. The report of the Commissioner mentioned in Section 60 must be made to the officer or body appointing them, and notice thereof will be given to the parties by the Commissioners, adapting such notice to Form No. 20. The report of such Commissioners need not conclude with resolutions, but should contain a finding of the facts and the conclusion therefrom in an award of judgment in the nature of both a verdict and sentence. The report of such Commissioners and their notice of judgment may be in the form following :

### Form No. 22.

#### *Report of Commissioners not Appointed by a Master.*

“ To M. W. J. S., Grand Master [or R. W. B. E., D. D. G. M., as the case may be] :

The undersigned Commissioners, appointed by you in the case of Bro. A. B., of Triluminar Lodge, No. 800, in the matter of charges of intoxication preferred against him by Bro. C. D., of Anchor Lodge, No. 801, on the 9th day of April, 1859, having heard the same upon the said charges and the answer thereto, and the proofs and allegations of the parties, do respectfully report :

That they have adjudged and determined as follows :

1. That said charges are sustained, and that Bro. A. B. is guilty of the said charges.
2. That the said Bro. A. B. be and he is hereby suspended from said Triluminar Lodge and from the rights and privileges of Masonry for the space of three months.
3. That the said Bro. A. B. do pay the costs and expenses of the proceedings on this trial, amounting to the sum of thirty dollars.

And they further report that a duplicate hereof has been duly filed with the Grand Secretary. All of which is respectfully submitted.

Dated April 23, 1859.

[Signed by the Commissioners].”

§ 63. The notice of judgment given by said Commissioners may be in the following form :

### Form No. 23.

#### *Notice of Judgment by Commissioners.*

“ To Bro. C. D. and Bro. A. B. :

Take notice, that we have this day made and signed our report to the M. W. Grand Master [or R. W. ———, D. D. G. M.], by which we have adjudged and determined that Bro. A. B. is guilty

of the charges preferred against him by Bro. C. D., and that he be suspended from Triluminar Lodge, No. 800, and from the rights and privileges of Masonry for the space of three months; and that he do pay the costs and expenses of the proceedings on his trial before us, amounting to the sum of thirty dollars.

Dated April 23, 1859.

[Signed by the Commissioners].”

§ 64. Notices of judgment in the case mentioned in Section 59 and this section must be served in the same manner as the complaint, as the time for appeal commences to run from the time of such service.

§ 65. When the accused fails to appear or answer, testimony must be taken in the same manner as if he appeared and defended, and with even more technical accuracy, fullness, and certainty; and it is recommended and enjoined that, in such cases, some competent brother be designated and required to appear for the accused, and to take care that he have a fair and impartial trial.

§ 66. The report upon a hearing and conclusions when the party fails to appear, may be in the following form :

#### **Form No. 24.**

##### *Form of Report when Accused Fails to Appear.*

“To the Master, Wardens, and Brethren of Triluminar Lodge, No. 800 :

The Commissioners appointed for the trial of Bro. A. B., on charges of intoxication heretofore preferred in this Lodge, and which are hereto annexed, respectfully report :

That they met at the Lodge-room of this Lodge on Wednesday evening, the 20th April, 1859, and all of their number were present. That Bro. A. B. did not appear. That Bro. P. Q., the Secretary of this Lodge, was then examined orally by them, and testified as a Master Mason, that he served a copy of the complaint on said charges on Bro. A. B. personally, in Freetown, on the 6th day of April, 1859. That A. B. not appearing after the lapse of more than one hour, and fearing there might be a misapprehension, they adjourned one week, to meet at said Lodge-room on the 27th day of April, 1859, at seven o'clock, P. M., and requested the Secretary of the Lodge to notify Bro. A. B. of the adjournment.

That they met at said Lodge room on the day and hour of adjournment. That Bro. A. B. did not appear. That they then examined Bro. P. Q., who testified as a Master Mason, that he informed

Bro. A. B. on the morning of the 21st April, instant, of the adjournment, and particularly notified him of the place, day, and hour.

That after waiting more than one hour, they proceeded to hear proofs, and the Master having appointed Bro. D. C. to appear for Bro. A. B., he appeared accordingly, and heard the proofs and cross-examined the witnesses. That Bros. E. F., L. M., and O. N. were examined as witnesses, and testified as Master Masons, and their testimony was taken in full, and appears in these minutes. And that having closed the testimony, they heard the argument of Bro. D. C. in behalf of the accused, and of the Junior Warden on the part of the Lodge. That without adjournment they proceeded to consider the matter, and after consultation made a conclusion thereon.

That from the testimony before them they find the following facts."

[Finding same as in Form No. 19 in § 53, and first two resolutions the same.]

"That there were no costs or expenses attending the trial, and they make none for their attendance. And that they have notified the Junior Warden and Bro. A. B. of the conclusions embraced in this report.

All of which is respectfully submitted.

Dated April 27, 1859.

R. S.	} <i>Commissioners."</i>
T. U.	
V. W.	

Notice of judgment to be given herein the same as in § 63.

§ 67. When a complaint is made and the charges therein are admitted or confessed, proof of such admission or confession will be sufficient to authorize Commissioners to make up their minutes and report accordingly, in which case proof that a crime has been committed will also be indispensably necessary.

§ 68. It shall be deemed in all cases a disqualification for a Commissioner to act, that he is a witness to prove any fact which proves or disproves, or tends to prove or disprove the guilt or innocence of the accused.

## PART II.

### *Of Appeals.*

§ 69. A Masonic appeal is a proceeding before the Grand Lodge or a Grand Officer, by which the acts and decisions of a Lodge or Commissioners upon a trial, or upon a first appeal are reviewed, in

order to arrest errors of law or fact alleged to have been made by a Lodge, Grand Officer, or Commissioners, from whose decisions and judgment the appeal is taken, so that justice may be done to all parties concerned; and such appeal may be brought by any party alleging himself aggrieved thereby.

§ 70. The Constitution of the Grand Lodge provides that appeals from the decision of a Lodge or Commissioners may be made within six months; but it is advisable that when a party is intending to appeal he should give notice of it forthwith.

§ 71. The first step taken may be either the appeal in form, or simply notice thereof, but such notice must always be given, before or after appeal, and may be in the following form:

### **Form No. 25.**

#### *Notice of Appeal.*

"To P. Q., Secretary of Triluminar Lodge, No. 800:

Take notice, that I shall take an appeal to the Grand Lodge of the State of New York [or the M. W. Grand Master] from the action of said Triluminar Lodge, on the 30th day of April, 1859, in adopting the resolutions reported by the Commissioners in the matter of the complaint against me by the Junior Warden of said Lodge, and heard and tried by said Commissioners, and that I shall appeal on the grounds stated in my said appeal.

Dated, May 4, 1859.

A. B."

[If notice is given after appeal taken, it will be varied by stating "I have taken an appeal," &c., and "I have appealed on the grounds," &c.]

§ 72. On receiving notice of appeal, the Secretary of the Lodge or Grand Officer (as the case may be) will transmit to the officer or body to whom or which the appeal is taken, a copy of all papers in the case from the complaint to the notice of appeal, both inclusive, duly certified, and attested.

§ 73. When the appeal is brought it should contain minutely and in detail the grounds of appeal, and unless such grounds be specified, it shall not be regarded as an appeal.

§ 74. The appeal may be in the following form:

**Form No. 26.***The Appeal.*

"To the Grand Lodge of the State of New York [or M. W. Grand Master] :

The undersigned hereby appeals to you from the decision of Triluminar Lodge, No. 800, made April 30, 1859, in adopting the resolutions reported by Commissioners, declaring him guilty on complaint of intoxication, suspending him for three months, and adjudging him to pay the expenses of the trial; and he specifies the following as the grounds of his appeal :

1. That T U., one of the Commissioners on his trial, was incompetent to act as such, having been present at the meeting of said Lodge when the complaint against him was preferred, and voted for its reference to Commissioners.

2. That the Commissioners erred in deciding that P. S., Esq., should not be allowed to assist him in his defense.

3. That the second specification of the complaint is vague and uncertain.

4. That the Commissioners erred in receiving testimony as to appearances of intoxication.

5. That they erred in rejecting the sworn affidavit of J. R.

6. That the proofs in the case were not sufficient to warrant their findings of fact.

7. That the Lodge erred in passing the aforesaid resolutions by a majority vote.

All of which appears by the papers, proceedings, and evidence in the case.

Dated May 11, 1859.

A. B."

§ 75. A copy of the appeal should be served on the Secretary of the Lodge or Officer (as the case may be), and a copy also sent or delivered to the Grand Secretary, who shall forthwith notify the Lodge or other complainant thereof.

§ 76. An answer to the appeal should be made within the time required by the Lodge or officer by whom the decision or judgment was pronounced, and unless answered within thirty days after notice thereof, the appeal may be regarded as admitted to be well taken.

§ 77. The answer to the appeal may be in the following form :

**Form No. 27.***Answer to Appeal.*

"Triluminar Lodge, No. 800, answers the appeal of A. B., and says :

That the said Lodge denies that there is any error in the proceedings of said Lodge, or of the Commissioners appointed for the trial of the said A. B., and further says that the decision of said Lodge in said case is sustained both by Masonic law and the evidence therein applicable thereto.

Dated May 21, 1859.

S. L., *Junior Warden.*"

§ 78. If a specific denial is deemed necessary, taking issue upon each of the grounds of appeal and assigning reasons therefor, it may be in the following form :

**Form No. 28.***Specific Answer to Appeal.*

"Triluminar Lodge, No. 800, answers the appeal of A. B., and says :

That the said Lodge denies that there is any error in the proceedings of said Lodge, or of the Commissioners appointed for the trial of the said A. B., because the said Lodge says : As to the first ground of appeal, that if well taken it would be an objection to every act of the Lodge and its members in the premises.

And because the said Lodge says as to the second ground of appeal, &c.

[And so answering in detail each ground of appeal, and concluding thus :]

And the said Lodge further says : That the decision of said Lodge in said case is fully sustained both by Masonic law and the evidence therein applicable thereto

Dated May 21, 1859.

S. L., *Junior Warden.*"

§ 79. The Grand Lodge (by its appropriate Committee), or the officer to whom the appeal is made, may hear the same upon oral or written argument, as the parties may agree ; or it may be heard upon appeal and answer only, if they sufficiently present the case.

§ 80. Notice of the time and place of hearing shall be given, and may be given by either party, and may be in the following form :



### Form No. 29.

#### *Notice of Argument.*

“To S. L., Junior Warden :

“Take notice, that the appeal in the matter of charges in Triluminar Lodge against A. B., from the decision of said Lodge, to the Grand Lodge, will be moved on for argument before the Committee on Appeals (Commission of Appeals) of the Grand Lodge (or Grand Master), at ———, on the ——— day of ———, 1859, at 10 o'clock A. M.

Dated, Freetown, October 6, 1859.

A. B.”

§ 81. When a perfect transcript of all the papers and proceedings in the case has not been made by the Lodge, or officer appealed from, an order may be made by the G. M., or D. D. G. M. compelling the same, and may be in the following form :

### Form No. 30.

#### *Order for Papers on Appeal.*

“OFFICE OF THE GRAND MASTER OF MASONS, }  
NEW YORK, MAY 28, 1859.

To the Master, Wardens, and Brethren of Triluminar Lodge, No. 800:

Bro. A. B. having duly appealed from the decision of your Lodge, made on the 30th April, 1859, suspending him for three months, you are hereby required to transmit by the hand of your Secretary under seal of your Lodge, a transcript of all the proceedings of your Lodge in the case of the said A. B., from the time of the presentation of the complaint against him until the final action of your Lodge thereon, with the several dates thereof, together with all papers and documents relating thereto not heretofore returned, within ——— days from the receipt hereof by you.

Given under my hand and private seal } J. W. S. [SEAL.]  
on the day and year first above written. } Grand Master.”

§ 82. The Grand Lodge, or officer to whom the appeal is made, will, with all convenient dispatch, make a decision thereon ; and, if made by a Grand Officer, such decision should be immediately filed by him with the Grand Secretary, together with all papers relating to the appeal.

§ 83. The decision of a Grand Officer on appeal may be in the following form :

**Form No. 31.***Decision on Appeal.*

" OFFICE OF THE GRAND MASTER OF MASONS, }  
 PENN YAN, N. Y., JUNE 4, 1859. }

In the Matter of the Appeal  
 of

Bro. A. B., of Triluminar Lodge, No. 800. }

Bro. A. B. having appealed from the decision of Triluminar Lodge, No. 800, made on the 30th April, 1859, by which he was found guilty and suspended from the rights and privileges of Masonry for three months, on charges of intoxication ; and having heard the argument of the case, I have carefully considered the facts appearing on said appeal, and the grounds of error alleged by the appellant, and there does not appear to be any error or irregularity in the proceedings, or in the several decisions of the Commissioners on the trial, and the facts of the case warrant the conclusions of the Commissioners and the decision of the Lodge."

[If the officer desires to review the facts, in giving his decision, or comment on any of the points raised, he may here insert his remarks and reasons.]

" My decision and judgment therefore is, that the proceedings of Triluminar Lodge, No. 800, and the attached decision of said Commissioners in the case of Bro. A. B., be and the same are hereby in all things affirmed.

Given under my hand and private seal } J. L. L., [SEAL.]  
 at the date first above written. } Grand Master."

§ 84. If the decision be reversed, the appellate body or officer will vary the form accordingly, and may then give the reasons therefor ; and he may also make any special order which the case may warrant, to be added at the end of his decision.

§ 85. When an appeal is taken from the decision of a Grand officer, the case will be heard on the papers which were before him, and an appeal will bring up the matter for hearing.

§ 86. The appeal must be served on the Lodge (by service on its Master or Secretary), or officer who made the decision from which appeal is taken, at a reasonable time (not less than twenty days), before the Annual Communication of the Grand Lodge, and a copy transmitted to the Grand Secretary forthwith.

§ 87. This final appeal to the Grand Lodge may be in the following form :

**Form No. 32.**

*Final Appeal to Grand Lodge.*

"To the M. W. Grand Master, and to the Master, Wardens, and Brethren of Triluminar Lodge, No. 800 ;

The undersigned, A. B., hereby appeals to the Grand Lodge of the State of New York, from the decision of the M. W. Grand Master, made in and by his order of June 4, 1859, in the case of this appellant affirming the decision of said Lodge on the 30<sup>th</sup> April, 1859, and this appeal is brought on the grounds particularly stated and set forth in his appeal to the M. W. Grand Master, dated May 11, 1859 ; and respectfully prays your consideration thereof and judgment thereon.

Dated *June 6*, 1859.

A. B."

§ 88. No answer to an appeal from the decision of a Grand officer made on appeal to him is required.

§ 89. Upon a trial or appeal, should either party desire to use any paper, document, or record, in possession or under control of the other, and the use of the same be refused, upon request made, an order may be made by the Grand Master, his Deputy, or a District Deputy, requiring its production on the delivery of an authenticated copy thereof, as such officer may determine.

§ 90. The order for the production of such paper may be in the following form :

**Form No. 33.**

*Order for Production of Paper.*

"OFFICE OF THE GRAND MASTER OF MASONS, }  
BINGHAMPTON, N. Y., MAY 15, 1859. }

Charges having been preferred against Bro. A. B. in Triluminar Lodge, No. 800, and it appearing to my satisfaction that upon the trial of said A. B., on said charges, it is necessary that he should produce and prove a certain letter, written by Bro. R. M., of said Lodge, to the Secretary of said Lodge, bearing date about the 3d day of April, 1859, and that the same is not a printed letter, it is hereby ordered that said Secretary produce said letter, to be used on said trial and for no other purpose whatever.

Given under my hand and private seal }  
on the day and year first aforesaid.

C. J. P., [SEAL.]  
Grand Master."

§ 91. The time required in proceedings on Masonic trials and appeals for answers, notices, &c., shall be as follows :

1. For answer to complaint, ten days ;
2. For notice of trial before Commissioners, ten days ;
3. For notice of application for Commission to examine witnesses, four days ;
4. For preparation of cross-interrogatories, two days ;
5. For notice of settlement of interrogatories and cross-interrogatories, two days ;
6. For notice of decision, to be five days before time of presentation of report of Commissioners to a Lodge, or Grand officer ;
7. For notice of appeal, thirty days after notice of decision ;
8. For answer to appeal, ten days ;
9. For notice of argument on appeal, eight days.

But when a complaint or notice is sent by mail, five days shall be added to the time specified in each case above. The time in each of the cases specified may be enlarged on sufficient cause shown, by order made by the Grand Master, or a District Deputy Grand Master. Of course, the time in each case may be enlarged or diminished by consent of parties.

### PART III.

#### *Of Restoration.*

§ 92. A brother having been tried and convicted, and the penalty inflicted, will, if he is attached to Free-Masonry and its principles, desire to be restored to his former position ; and the demands of justice having been satisfied, mercy should be remembered.

§ 93. Restoration is the act by which an erring but repentant brother regains a title to and possession of all his former rights and privileges.

§ 94. Restoration being a voluntary act on the part of a Lodge or Grand Lodge, cannot be claimed as a matter of right, and can therefore never be compelled or enforced.

§ 95. As the penalties of reprimand and suspension are only temporary in their effect, and a brother becomes fully restored to all former rights and privileges, when he has suffered the penalty for such offenses, restoration only applies to those who have been expelled, except in cases of striking from the roll for non-payment of dues, now so modified as to be unnecessary to be here considered.

§ 98. A reversal of the judgment of a Lodge restores a brother to the rights and privileges of Masonry, and also to membership in the Lodge.

§ 99. Restoration by the action of the Grand Lodge does not restore a brother to membership in the Lodge, which can only be done by action of the Lodge of which he was a member.

§ 101. The Grand Lodge may restore a brother after the lapse of one year from the time of expulsion, but in such case he remains unaffiliated until restored to membership by the Lodge.

§ 102. Application to the Grand Lodge for restoration may be in the following form :

**Form No. 34.**

*Application to Grand Lodge for Restoration.*

“A. B., late a member of Triluminar Lodge, No. 800, at Freetown, respectfully represents : That he was tried by Commissioners, duly appointed in said Lodge, upon charges of habitual intoxication, and, having been found guilty, was expelled from said Lodge, and from all the rights and privileges of Masonry, on the 30th day of April, 1859 ; and that (more than one year has elapsed since) said judgment of expulsion (which) still remains in full force ; that having forsaken his intemperate habits and become reformed therefrom, and having a strong attachment to Masonry, he earnestly desires to be restored to his former good standing. He therefore respectfully prays that he may be accordingly restored to all the rights and privileges of Masonry.

Dated, Freetown, May 7, 1860.

A. B.”

§ 103. This application having been presented in Grand Lodge, will be referred to a Committee (on Grievances, probably), and it is proper and necessary that notice should be given by the Committee to the Master of the Lodge that expelled such applicant, in order that such Master may be heard before the Committee.

§ 104. If the Committee report favorably, the adoption of its report by the Grand Lodge by a majority vote restores the applicant to the rights and privileges of Masonry without further action.

§ 105. When an appeal has been taken from a judgment of expulsion to the Grand Lodge, and the decision of the Lodge affirmed on appeal, then the foregoing form of application for restoration may be varied by striking out the words next after "1859," and to and including the word "expulsion" in the same sentence, and insert in place of them: "and that upon appeal to the Grand Lodge the said judgment was affirmed," and then add the remaining part of the form as before.

## Form of Petition for a New Lodge.

---

*To the M. W....., Grand Master of Masons in the State of New York;*

The undersigned petitioners, being Free and Accepted Master Masons, having the prosperity of the Fraternity at heart, and willing to exert their best endeavors to promote and diffuse the genuine principles of Free Masonry, respectfully represent—That they are desirous of forming a new Lodge in the.....of....., to be named.....Lodge. They therefore pray for letters of dispensation, to empower them to assemble as a regular Lodge, to discharge the duties of Masonry, in a regular and constitutional manner, according to the original forms of the Fraternity, and the regulations of the Grand Lodge. They have nominated and do recommend Brother A. B. to be the first Master; Brother C. D. to be the first Senior Warden, and Brother E. F. to be the first Junior Warden, of said Lodge. If the prayer of this petition shall be granted, they promise a strict conformity to the edicts of the Grand Master, and the Constitution, Laws and Regulations of the Grand Lodge.

NAMES.

LODGE.

RESIDENCE.

## Form of Certificate

RECOMMENDING A DISPENSATION TO ESTABLISH A NEW LODGE.

" At a stated communication of.....Lodge, No....., held at....., in....., on the....day of....., 18.., the following resolutions were adopted :

" '*Resolved*, That this Lodge do recommend the petition of Bros. A. B., C. D., E. F., etc. [*naming all the petitioners*], praying for a dispensation to establish a new Lodge at....., by the name of.....Lodge, and do avouch for said petitioners as being Master Masons in good standing ; and being the nearest Lodge thereto, do recommend that the prayer of the petition be granted.'

" '*Resolved*, That, in the judgment of this Lodge, Bros. A. B., C. D. and E. F., named in said petition as Master and Wardens of said new Lodge, are competent to confer the three degrees and impart the lectures, they having exhibited their work in said degrees before this Lodge.'

" In witness whereof, we have caused our Lodge seal to be affixed, and our Secretary to subscribe his name thereto."

[SEAL.]

"....., *Secretary*."

If the Lodge applied to be other than the "nearest Lodge," the certificate will embrace only the first resolution, thus modified : Strike out the words "*the nearest Lodge thereto*," and insert the words, "*one of the Lodges whose territorial jurisdiction is affected thereby*." The resolution, thus certified, should go upon the record. Such Lodges may also omit the voucher of the petitioners as Master Masons.



## Form of Proxy, to Represent a Lodge.

---

"THIS IS TO CERTIFY, that at a Stated Communication of.....  
Lodge, No....., held on the.....day of.....,  
A. L., 58.., our Worshipful Brother....., Past  
Master (or Master) of.....Lodge, No....., was duly  
appointed proxy, to represent this Lodge in the Grand Lodge of the  
State of New York, at the next annual communication thereof.

Given under my hand and seal of the Lodge, at.....  
[SEAL.] this.....day of....., 18....

*Attest :* ..... *Master.*  
..... *Secretary."*

---

## Form of Demit.

---

"TRIUMINAR LODGE, No. 800, F. & A. M.  
*To the Master, Wardens and Brethren of.....Lodge, No..... :*

THIS IS TO CERTIFY THAT, Brother....., a mem-  
ber in good standing of this Lodge, having made application for a  
Dimit, and notice having been received that said Brother has peti-  
tioned your Lodge for affiliation therein, a resolution has been  
adopted by this Lodge that a Dimit shall be granted, upon the con-  
dition that said Brother shall consummate his affiliation in your  
Lodge. Of which act of affiliation you will give this Lodge timely  
notice. And upon the event of failure to consummate such member-  
ship, this Certificate of Dimission is to be returned to this Lodge.

Given under my hand and the seal of the Lodge, at  
[SEAL.] ..... this.....day of.....,  
A. L. 58....

*Attest :* ..... *Master.*  
..... *Secretary."*



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# STANDARD FORM OF BY-LAWS.

*Adopted June, 1858.*

[Intended to serve as a Guide in the formation of By-laws for Subordinate Lodges, and subject to such alterations, not inconsistent with the Constitution, as the convenience of the Lodges may dictate.]

## ARTICLE I.

§ 1. The Stated meetings of this Lodge shall be on the — and — days in every month. The hour of meeting, from April 1 to October 1, shall be 8 o'clock; and 7½ o'clock the remainder of the year.

§ 2. Special Meetings may be called by the Master, upon any emergency which he, in his judgment, may deem necessary; but no business shall be transacted by such special meeting but that for which it was called.

## ARTICLE II.

§ 3. The members of this Lodge are all who have been or may be initiated in or affiliated therewith, who have subscribed their names to these By-laws, and who have not withdrawn, or been excluded for unmasonic conduct or nonpayment of dues.

## ARTICLE III.

OFFICERS—THEIR ELECTION, INSTALLATION, AND DUTIES.

§ 4. The Officers of this Lodge shall be ranked and entitled as follows:

1. THE MASTER;
2. THE SENIOR WARDEN;
3. THE JUNIOR WARDEN;
4. THE TREASURER;
5. THE SECRETARY;
6. THE SENIOR DEACON;
7. THE JUNIOR DEACON;
8. THE STEWARDS OR MASTERS OF CEREMONIES.
9. THE TILER.

§ 5. All the officers shall be elected at the stated Communication next preceding the festival of St. John the Evangelist, and be installed on or before the next stated meeting thereafter.

§ 6. Any member — months in arrears for dues, shall not be entitled to vote at said election.

§ 7. The duties of the officers of this Lodge, in addition to those not proper to be written, are as follows:

#### THE MASTER.

To preserve the Warrant of the Lodge with unfailing care, and deliver it to his successor in office; to see that these By-laws, the Constitution of the Grand Lodge of the State of New York, and the Ancient Constitutions of Freemasonry, be duly understood, respected, and obeyed by the members; to represent the Lodge, in conjunction with the Senior and Junior Wardens, at all the Grand Communications of the M. W. Grand Lodge; to draw all orders on the Treasurer, with the consent and approbation of the Lodge; to see that all cases of offense against the laws of the order be fairly dealt with, according to these By-laws, and the Constitutions and Rules of Masonry; to report to the Lodge his proceedings in the Grand Lodge, and to cause the printed Transactions to be read for the information of the brethren.

#### THE SENIOR WARDEN.

In addition to those duties which appertain to every individual Mason, the duties of the Senior Warden are: to succeed to and exercise all the powers of the Master in the event of his absence; to represent the Lodge, in conjunction with the Master and Junior Warden, in the Grand Lodge; to aid the the Master in governing the Craft during the hours of labor.

#### THE JUNIOR WARDEN.

It is the duty of the Junior Warden to exercise all the powers of the Master, in the absence of the two officers above him; to represent the Lodge, in conjunction with the Master and Senior Warden, in the Grand Lodge; to take charge of the Craft during the hours of refreshment.

## THE TREASURER

Is to receive all moneys from the hands of the Secretary; pay out the same by order of the Master and consent of the Lodge; to submit his accounts, when required by the Master or Lodge, for examination; to deliver to his successor in office all the moneys, books, vouchers, and other properties of the Lodge he may have in his possession.

## THE SECRETARY.

The duty of this officer is to record the proceedings of the Lodge; to receive all moneys due the Lodge and pay the same to the Treasurer; to prepare the usual Returns to the Grand Lodge, in proper time and in accordance with the Constitution, and forward the same to the Grand Secretary; to deliver up to his successor in office, all the books, seal, and other property of the Lodge.

## THE SENIOR DEACON

Is to take part in the active duties of the Lodge; to be courteous to and provide accommodations for visiting brethren, and act as the proxy of the Master.

## THE JUNIOR DEACON

Has especial charge of the door, acts as the proxy of the Senior Warden and attends to such other duties as are pointed out to him by the Master or Senior Warden, in accordance with the usages of Masonry, and the By-laws of his Lodge.

## THE STEWARDS

Are to assist in the preparation of candidates, and to assist the Senior Deacon in the discharge of his duties

## THE TILER.

The duties of the Tiler are: to tile the Lodge under the direct orders of the Master; to serve notices, summons, etc., issued under the authority of the Master and the Lodge; and for the faithful performance of these duties he shall receive — dollars per year for his services.

## OTHER OFFICERS.

The Lodge may, in its discretion, appoint a Chaplain, a Marshal, and an Organist, whose duties shall correspond with their titles.

## ARTICLE IV.

## TRUSTEES—THEIR ELECTION AND DUTIES.

§ 8. There shall be chosen by ballot, at the annual election, three Trustees, who shall hold in trust for the Lodge all stocks, securities, investments, and funds in deposit or interest and shall have power to transfer, exchange, or deposit the same, or any part thereof, whenever required by a vote of the Lodge; deposits to be made in such institution as may be directed by the Lodge, and no amount shall be drawn from such deposit without the order of the Lodge.

§ 9. In case of a vacancy in the office of Trustee, the Lodge may at any time proceed to fill the same, after two weeks' notice.

## ARTICLE V.

## MEMBERSHIP—HOW ACQUIRED.

§ 10. Any person desirous of being initiated in this Lodge must be proposed in writing by a member thereof, at a stated Communication; the member making the proposition shall state therein the age, birthplace, profession, and residence of the person proposed. If the Lodge consent to receive the proposition, it shall be referred to a Special Committee of three, whose duty it shall be to make a thorough investigation into the physical, mental, and moral qualifications of said candidate, and make their report thereof at the next stated meeting thereafter, unless further time be granted. On the report of said Committee being made, the Lodge shall proceed to ballot for the candidate, and if no black ball appear against him, he shall be elected; but should one black ball appear against him, he shall be rejected.

§ 11. No person can receive any degree in this Lodge, or become a member thereof, who is not of mature age, sound

in mind, perfect in body and limbs, possessing a good character, a trade or profession, or some visible way of acquiring an honest and respectable livelihood, and publicly acknowledging a belief in the existence of a Supreme Being.

§ 12. Any Mason desirous of becoming a member of this Lodge by affiliation, must produce a certificate of having paid his dues in his former Lodge, and of his having left the same in good standing, subject to the conditions set forth in section 10.

## ARTICLE VI.

### FEES AND DUES.

§ 13. The initiation fee shall be — dollars (not less than fifteen). The affiliation fee — dollars.

§ 14. The annual dues shall be — dollars, payable quarterly.

§ 15. Any member of the Lodge neglecting or refusing to pay his dues for one year, may be stricken from the roll thereof, by a vote of the Lodge, at a stated meeting.

§ 16. No person withdrawing from this Lodge can again become a member, without being proposed and balloted for anew, subject to the provisions of sections 10 and 13.

§ 17. No member, whose name has been stricken from the roll, can again become a member of this Lodge, without paying up his indebtedness, and being proposed and balloted for as in the case of adjoining members.

§ 18. No brother of this Lodge shall be suspended or expelled from membership unless charges be preferred, duly specifying his offense, presented by a brother in good standing, and the accused being allowed full opportunity to make his defense.

§ 19. Any brother desirous of withdrawing from this Lodge, must pay his indebtedness, and obtain its consent thereto.

## ARTICLE VII.

### COMMITTEES.

§ 20. The Master, on the night of his installation, shall appoint a Committee of three members, to be called the

*Standing Committee*, whose duty it shall be to examine the books, vouchers, etc., of the Treasurer and Secretary from time to time, and to make a detailed report in writing, whenever required; likewise to examine and audit all bills, accounts, and claims that may be presented to the Lodge for payment, and report upon the same in writing. Nor shall any account be allowed by the Lodge until it shall have been examined and reported upon by the Standing Committee.

§ 21. When in session, the Lodge may refer applications for charity to a Special Committee; but during the interval the Master and Wardens shall be a Committee of Charity, and shall have power at any time to draw upon the Treasurer, through the Master, for a sum not exceeding five dollars at one time, to bestow upon a distressed worthy Master Mason, his wife, widow, or orphan child.

§ 22. Special Committees may be appointed upon any item of business, and may consist of as many members as the Lodge, in its decision, may think proper. All Committees shall report at the next stated meeting subsequent to their appointment, and in writing, unless otherwise ordered by the Lodge. All committees shall be appointed by the Master. Members who are appointed to serve upon Committees shall feel bound in honor to give patient and diligent attention to the business of their appointment, and report their conclusions to the Lodge without fear or favor.

## ARTICLE VIII.

### DISCIPLINE, OFFENSES, TRIALS, ETC.

§ 23. An offense in Masonry is defined to be an act which contravenes these By-laws, any constitutional rule or edict of the Grand Lodge, any requisition of the unwritten law of Masonry, any law of the land or any law of God.

§ 24. When an offense shall be committed by a member or members of this Lodge against the laws of Freemasonry, and charges are preferred thereon, it shall be the duty of the Master to appoint not less than three, nor more than seven, disinterested members of the Lodge, Commissioners; who shall appoint a time and place for the trial, most convenient for those interested, and summon the parties and their witnesses. After due investigation of all the

facts of the case, the Commissioners shall found their judgment thereon, and give notice to the parties interested. A majority must concur in such judgment, and their judgment, if approved by the Lodge, shall be final, unless an appeal be taken therefrom to the Grand Lodge within six months, in which case it shall be the duty of the Commissioners, upon receiving notice of such appeal, to transmit their report to the Grand Secretary.

## ARTICLE IX.

§ 25. Any portion or the whole of these By-laws may be amended, or others substituted in their stead, at the will of the Lodge, provided the general principles of Freemasonry and the constitutional rules and edicts of the Grand Lodge are carefully maintained. But all amendments, substitutions, etc., must be proposed in writing, read before the Lodge, and laid over for two weeks before a vote of the Lodge is taken, and a vote of two-thirds of the members present shall be necessary to the adoption of such proposition.

Any action or edict of the Grand Lodge altering these By-laws, has the effect of an amendment, without any action on the part of the Lodge.

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## CHAPTER 317.

*An Act to enable Lodges and Chapters of Free and Accepted Masons to Take, Hold, and Convey Real and Personal Estate. Passed April 2, 1866.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Whenever any Lodge or Chapter of Free and Accepted Masons which is or hereafter may be duly chartered by and installed according to the general rules and regulations of the Grand Lodge or Grand Chapter of Free and Accepted Masons of the State of New York, shall be desirous of having the benefit of this act, it shall and

may be lawful for such Lodge or Chapter, at any regular communication or convocation thereof, held in accordance with the Constitution and general regulations of the Grand Lodge or Chapter aforesaid, and in conformity to its own By-laws, to elect three Trustees for such Lodge or Chapter, for the purpose aforesaid, a certificate of which election and purpose shall be made and subscribed by the first three elective officers of such Lodge or Chapter, under their hands, and stating therein the time and place of such election, the regularity thereof, the names of said Trustees and the terms severally for which they are allotted to serve, and the name of the Lodge or Chapter for which they are elected. The execution of such certificate shall be acknowledged or proved before some officer authorized to take the acknowledgment of deeds, who shall indorse thereon a certificate of such acknowledgment, under his hand, and the same shall then be filed in the office of the Secretary of State. Such Trustees and their successors shall thereupon be and become entitled to all the benefits, rights, and privileges granted by this act, to and for the use and behoof of said Lodge or Chapter, and a copy of said certificate, certified by the Secretary of State, or his deputy, shall be evidence of the right of said Trustees to exercise all the rights and privileges conferred by this act; and said Trustees shall thereupon be authorized to take and hold and convey real and personal estate, for the charitable purposes of said Lodge or Chapter, not exceeding the clear annual value of ten thousand dollars.

§ 2. The persons so first elected Trustees shall be divided by lot by said officers making said certificate, so that the term of one shall expire on the day of the festival of St. John the Evangelist next thereafter, and another in one year, and the third in two years thereafter. One Trustee shall annually thereafter, prior to the expiration of the terms of office of said Trustees and their successors, be elected by said Lodge or Chapter by ballot, in the same manner and at the same time as the first three officers thereof severally are or shall be elected according to the Constitution, By-laws, and general regulations aforesaid, and a certificate of said election, under the hands of said officers and the seal of said Lodge or Chapter, if they have one, shall be made and shall be evidence of said election.



and entitle said person so elected to act as Trustee. Said Lodge or Chapter may, at any regular communication or convocation, fill any vacancy that may have occurred in said Board of Trustees, to be certified in like manner and with like effect as at an annual election. The person so elected shall hold his office for and during the term of the Trustee whose place he was elected to fill.

§ 3. If any person so elected Trustee shall die, resign, dimit, or be suspended or expelled from said Lodge or Chapter, remove from the State, or become insane, or otherwise incapacitated for performing the duties of said trust, his office as Trustee shall therefor be deemed vacant, and said Lodge or Chapter may thereafter, at any regular meeting, fill such vacancy, in the manner and with the effect stated in the last section.

§ 4. The Trustees of any such Lodge or Chapter, and their successors, shall be and are hereby authorized to take, hold, and convey, by and under the direction of said Lodge or Chapter, and for the use and benefit thereof, all the temporalities and property belonging thereto, whether consisting of real or personal estate and whether the same shall have been given, granted or devised directly to such Lodge or Chapter or to any person or persons for their use, or in trust for them or their benefit, and also in their individual names, with the addition of their title of Trustees aforesaid, to sue and be sued in all courts and places having jurisdiction, and to recover, hold, and enjoy, in trust, and subject as aforesaid, all the debts, demands, rights, and privileges, and all Masonic halls, with the appurtenances, and all other estate and property belonging to such Lodges and Chapters in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been vested in said Trustees, and also to purchase and hold for the purposes and subject as aforesaid, other real and personal estate, and to demise, lease, and improve the same; and such Lodge or Chapter shall have power to make rules and regulations, not inconsistent with the laws of this State nor contrary to the Constitution or general regulations of the Grand body to which it shall be subordinate, for managing the temporal affairs of such Lodge or Chapter, and to dispose of its property and all other

temporal concerns and revenue thereof, and the Secretary and Treasurer of such Lodge or Chapter, duly elected and installed according to the Constitution and general regulations aforesaid, shall, for the time being, be *ex officio* the Secretary and Treasurer of said Trustees.

§ 5. Nothing in this act contained shall be construed or taken to give to such Trustees of any Lodge or Chapter, the power to purchase, sell, convey, or dispose of any property, real or personal, of such Lodge or Chapter, nor shall they have such power except by and under the direction of such Lodge or Chapter, duly had at a regular or stated communication or convocation thereof, according to the Constitution and general regulations aforesaid, and said Trustees shall at all times obey and abide by the directions, orders, and resolutions of said Lodge or Chapter, duly passed at any regular or stated communication or convocation thereof, according to and not contravening the Constitution and Laws of this State, or of the Grand body to which it shall be subordinate, or of the Lodge or Chapter aforesaid. *Provided*, that in case said Lodge or Chapter shall surrender its warrant to the Grand body to which the same shall be subordinate, as aforesaid, or shall be expelled or become extinct, according to the Constitution and general regulations aforesaid, it shall be the duty of said Trustees then in office, out of the property aforesaid, to satisfy all just debts due from said Lodge or Chapter, and the residue of said property shall be transferred to the "Trustees of the Masonic Hall and Asylum Fund," a corporation created by an act entitled "An Act to Incorporate the Trustees of the Masonic Hall and Asylum Fund," passed April twenty-first, eighteen hundred and sixty-four, and unless reclaimed by said Lodge or Chapter within three years after said transfer, in accordance with the Constitution and general regulations aforesaid, the same, with the avails or increase thereof, shall be applied by said Trustees last mentioned, to the benevolent purposes for which said Trustees were created in and by said act.

§ 6. It shall and may be lawful for any Lodge or Chapter, or the Trustees or Officers thereof, under the direction of such Lodge or Chapter, heretofore incorporated by the laws of this State or thereby enabled to take and hold real or personal estate or both, to surrender such act of incor-

poration, charter, or privilege, and to be enabled to take and hold property, with all the rights and subject to all the provisions of this act, on making and filing the certificate in the manner specified in the first section of this act, and therein stating; in addition to what is therein required, the surrender of said act, charter, or privilege, referring to and specifying the same, and on such certificate being so made and filed, the Lodge or Chapter making and filing the same shall thereupon be deemed as having fully surrendered such incorporation, charter, or right, and its property shall be fully vested in the Trustees specified in said certificate, and their successors, with all the rights, powers, and privileges, and subject to all the provisions of this act.

§ 7. No Board of Trustees for any Lodge or Chapter, filing the certificate aforesaid, shall be deemed to be dissolved for any neglect or omission to elect a Trustee annually, or fill any vacancy or vacancies that may occur or exist at any time in said board; but it shall and may be lawful for said Lodge or Chapter to fill such vacancy or vacancies at any regular communication thereafter to be held, and till a vacancy arising from the expiration of the term of office of a Trustee is filled, as aforesaid, he shall continue to hold the said office and perform the duties thereof.

§ 8. This act shall be deemed a public act and be benignly construed in all courts and places, to effectuate the objects thereof.

§ 9. This act shall take effect immediately.

STATE OF NEW YORK,        }  
Office of the Secretary of State. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.       FRANCIS C. BARLOW, *Secretary of State.*

## FORM OF CERTIFICATE

TO BE USED BY LODGES DESIRING TO INCORPORATE THEIR TRUSTEES WITH THE PROVISIONS OF THE ABOVE ACT.

STATE OF NEW YORK, *County of* ....

We, the undersigned, the first three elective officers of ..... Lodge No. ...., of Free and Accepted Masons, duly

chartered by and installed according to the General Rules and Regulations of the Grand Lodge of Free and Accepted Masons, of the State of New York, do hereby certify, that, at a regular communication of said Lodge held at their Lodgeroom, in the ....., on the .... day of ..... in the year 18.., in accordance with the Constitution and General Regulations of the Grand Lodge aforesaid, and in conformity to their by-laws, the said Lodge being desirous of having the benefits and privileges conferred by an Act of the Legislature of the State of New York, entitled, "An Act to enable Lodges and Chapters of Free and Accepted Masons, to Take, Hold, and Convey Real and Personal Estate," passed April 2, 1866, did, then and there, proceed to elect three Trustees for such Lodge, for the purpose aforesaid, and whose terms of office were allotted, by the undersigned, as prescribed in said act.

And the undersigned do further certify, that said election was regularly conducted, according to the Constitution and General Rules and Regulations of the said Grand Lodge, and the by-laws of the Lodge aforesaid; that the names of said Trustees, and the terms, severally, for which they were allotted to serve, are as follow: ....., whose term will expire on the day of the festival of St. John the Evangelist next after said election; ....., whose term will expire in one year thereafter; and ....., whose term will expire in two years thereafter.

In testimony whereof, the undersigned, the first three elective officers aforesaid, and Master and Wardens of said Lodge, have hereto set our hands, this ..... day of ....., in the year 18...

....., *Master.*  
 ..... , *Senior Warden.*  
 ..... , *Junior Warden.*

Signed, and duly stamped }  
 before execution, in pre- }  
 sence of ..... }

{ Rev. Stamp, }  
 { 5 cts. Canceled. }

STATE OF NEW YORK, }  
 County of .... }

I, the undersigned, an officer duly authorized by law to take the acknowledgment of deeds, do hereby certify, that

on the ..... day of ....., in the year 18.., in the ..... of ....., in the said county, before me personally appeared ....., with whom I am personally acquainted, and know to be the Master and Wardens, and first three elective officers of the Lodge specified in the foregoing instrument, and the persons and officers described therein, and who have subscribed the same, and who, each, then and there, severally acknowledged the execution by them of the foregoing certificate.

{ Rev. Stamp, }  
{ 5 cts. Canceled. }

The Judge, Commissioner, Justice, or Notary Public before whom the certificate is acknowledged will sign this certificate officially. In case he does not personally know the subscribers, they can be identified by some witness who does know them, and the certificate can be altered accordingly. The certificate must then be sent to the Secretary of State and a copy sent to the Grand Secretary.

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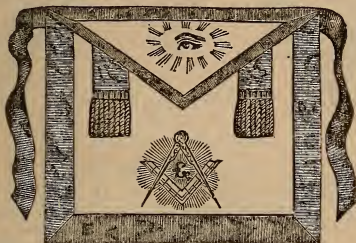
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
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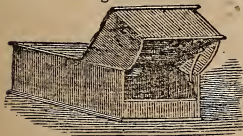


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